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DEPARTMENT OF AGRICULTURE  
FOOD DISTRIBUTION ADMINISTRATION

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MANUAL ON ENFORCEMENT OF FOOD  
ORDERS ADMINISTERED BY FOOD  
DISTRIBUTION ADMINISTRATION

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Prepared by and for the use of employees of the Office of the  
Solicitor and Food Distribution Administration



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## Section 1000

### INTRODUCTION

Three kinds of food orders have been issued by the Food Distribution Administration: (1) Food Distribution Orders, signed by the Secretary of Agriculture, (2) Director Food Distribution Orders, signed by the Director of Food Distribution (hereinafter referred to as the Director), and (3) Food Directives, signed by the Secretary. There has also been issued a regulation, known as Food Distribution Regulation No. 1, signed by the Secretary. Orders of the kind first mentioned are those basic allocation orders issued by the Secretary. Frequently, orders of this kind either require or permit the Director to issue supplemental orders fixing quotas, naming specific commodities subject to the orders issued by the Secretary, designating base periods to be used in computing quotas, and other related matters. These are the orders mentioned in the second category listed above. Executive Order No. 9280, dated December 5, 1942, giving the Secretary full responsibility and control over the Nation's Food Program, also permits the Secretary to delegate to any appropriate Federal, State, or local governmental agency, officer, or employee, the execution of any power of the Secretary under such Executive order. Food Directives, mentioned in the third category above, embody such delegations to other governmental agencies. Finally, orders not dealing with specific commodities and prescribing regulations applicable generally to all foodstuffs covered by specific orders will be known as Food Distribution Regulations.

The immediate authority for the issuance of all of these orders is, of course, Executive Order No. 9280. However, numerous other Executive orders, as well as statutes, are referred to in Executive Order No. 9280. Therefore, authority for vari-





ous actions taken in specific orders may be traced to such sources.

Food orders issued by the Department of Agriculture, pursuant to the powers delegated to the Secretary by Executive Order No. 9280, represent a vital element in our effort to win the war and require the utmost cooperation of all persons who have a part in their administration and enforcement. This manual sets forth the procedure to be followed in the enforcement of food orders issued by the Department of Agriculture and administered by the Food Distribution Administration. The manual constitutes a preliminary statement of procedure. It is expected that formal rules of practice incorporating this procedure in substance will be promulgated, at which time a revision of the manual will be issued.

The Secretary of Agriculture has designated various employees of the Department of Agriculture to conduct hearings in connection with the enforcement of food distribution orders and regulations. Employees of the Department will also be designated to take and receive the affidavits of any person and to administer oaths in connection with investigations (Appendix A).

Great emphasis should be placed on the necessity for prompt action by all persons who take part in the administration and enforcement of the orders. Whenever possible, precedence should be given to matters concerning the orders, such as reports of violations, arrangements for hearings, conduct of hearings, and action following hearings.

Two functions which are of extreme importance in the enforcement of the orders are: (1) the securing and reporting of complete information concerning violations, and (2) the preparation of proper records of administrative proceedings. Failure to perform either of these functions may seriously affect the enforcement of the orders.

It is the policy of the Department to require strict compliance with the orders. A complete report shall be promptly made of all violations.



Persons charged with participation in the enforcement of these orders who require legal advice quickly, may communicate with the nearest attorney of the Office of the Solicitor. The names and addresses of these attorneys are listed in Appendix B.

## **Section 2000**

### **SUMMARY OF AVAILABLE SANCTIONS**

Various sanctions may be imposed against persons who violate food orders. These sanctions may be used singly or in combination with one another. Moreover, such enforcement sanctions are available for use against any of the classes of persons regulated. These include all persons engaged in any phase of the distribution of the foods which are the subject of the order. In instances where more than one person participates in the violation, full information concerning the violation by each person should be reported. The available sanctions may be invoked by:

## **Section 2100**

### **ADMINISTRATIVE ACTION**

The most drastic administrative action that may be taken against a person violating an order is the issuance of a suspension order against such person. Such an order has the effect of denying to the person either the right to receive, to use, or to deliver any material subject to priority or allocation control. Necessarily, the form of a suspension order in a particular case will depend upon the nature of the food order which a person has violated, as well as the function performed by the person in the distribution of food. Where such drastic action is not deemed warranted, the administrative action may take the form of warning letters, visitation, or educational programs, whichever may be deemed to lend itself best to the furtherance of compliance.



## **Section 2200**

### **COURT ACTION**

Court action will result in the imposition of civil or criminal sanctions, or both.

## **Section 2210**

### **CIVIL ACTION**

The second War Powers Act (Pub. Law 507, 77th Cong., 2d Sess., approved March 27, 1942) confers upon the district courts of the United States and the United States courts of any Territory, or other place subject to the jurisdiction of the United States, jurisdiction to enforce food orders or subpoenas issued in connection with investigations under food orders.

## **Section 2220**

### **CRIMINAL ACTION**

Two general types of criminal action are available: (a) Title III of the Second War Powers Act makes it a crime for any person to disobey wilfully any order, rule, or regulation issued by the Secretary pursuant to the authority conferred upon him by Executive Order No. 9280. Such a crime is declared to be a misdemeanor and such person may be fined \$10,000, or imprisoned for not more than 1 year, or both; and (b) Section 35a of the Criminal Code (18 U. S. C. 1940 ed. 80) makes it a crime for any person wilfully to file a false report concerning any matter within the jurisdiction of any department or agency of the United States. Many of the food orders require persons to file specific information with the Director, while many other food orders require persons subject thereto to file such information as the Director may from time to time request. In all cases where a person required to report information to the Director wilfully makes a false report, the sanctions authorized by Section 35a of the Criminal Code may be used. The penalty which may be imposed under Section 35a is a fine of \$10,000, or an imprisonment for 10 years, or both.





Section 8 of Public Law 831, Seventy-seventh Congress, Second Session, approved December 24, 1942, provides that where any person fails to furnish any information required by an agency of the United States, such person shall be subjected only to such specific remedy as is provided by statute, and that no other administrative penalty may be imposed upon such person, such as the denial of a right, privilege, priority, or allocation, unless the exercise of such right, privilege, priority, or allocation is legally conditioned on the facts which would be revealed by the information requested. Consequently, where an individual fails to report information required by a food order, or by the Director pursuant to a food order, the only remedies available will be either the issuance of a subpoena requiring the production of the documents required, or the institution of court proceedings to compel the production or to impose the criminal penalties provided by Title III of the Second War Powers Act.

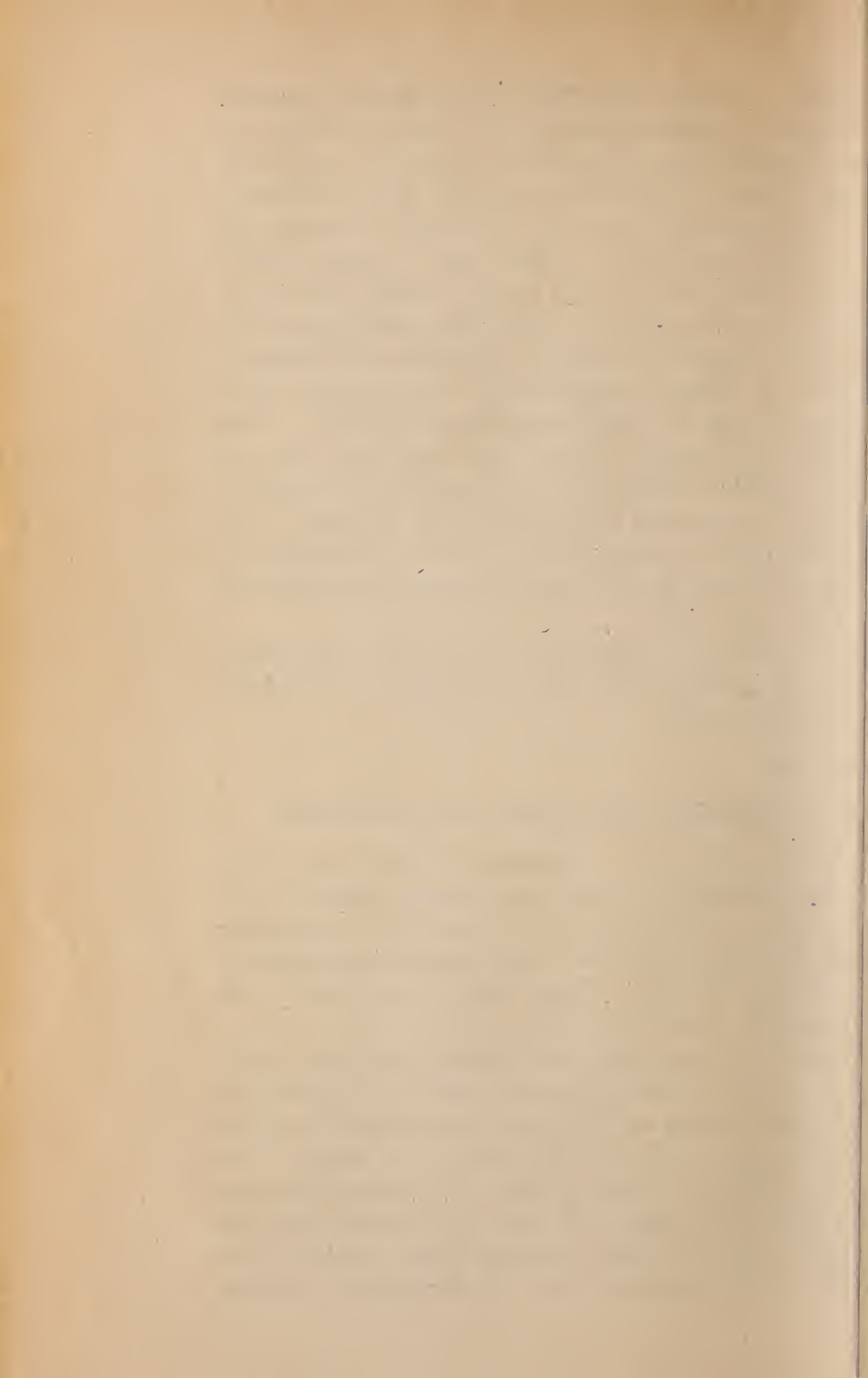
The procedure for handling violation reports and determining the action to be taken with respect to violations is set forth in the following pages.

## **Section 3000**

### **ORGANIZATION TO HANDLE ENFORCEMENT**

It is obvious that the enforcement of food orders by the imposition of sanctions of the type mentioned above, as well as the selection of the sanction to be imposed in a particular case, will necessitate the creation of an enforcement machinery which will be capable of handling a large volume of work in the most expeditious manner possible.

As a basis for the creation of the proper machinery, there are seven Regional Administrators of the Food Distribution Administration and the various Regional Attorneys of the Office of the Solicitor. Attached to the staff of each Regional Administrator will be a Regional Chief of Compliance in charge of the Regional Compliance Division. In addition, there will be a representative of each of the commodity branches of the Food Distribution Administration. Each Regional Adminis-

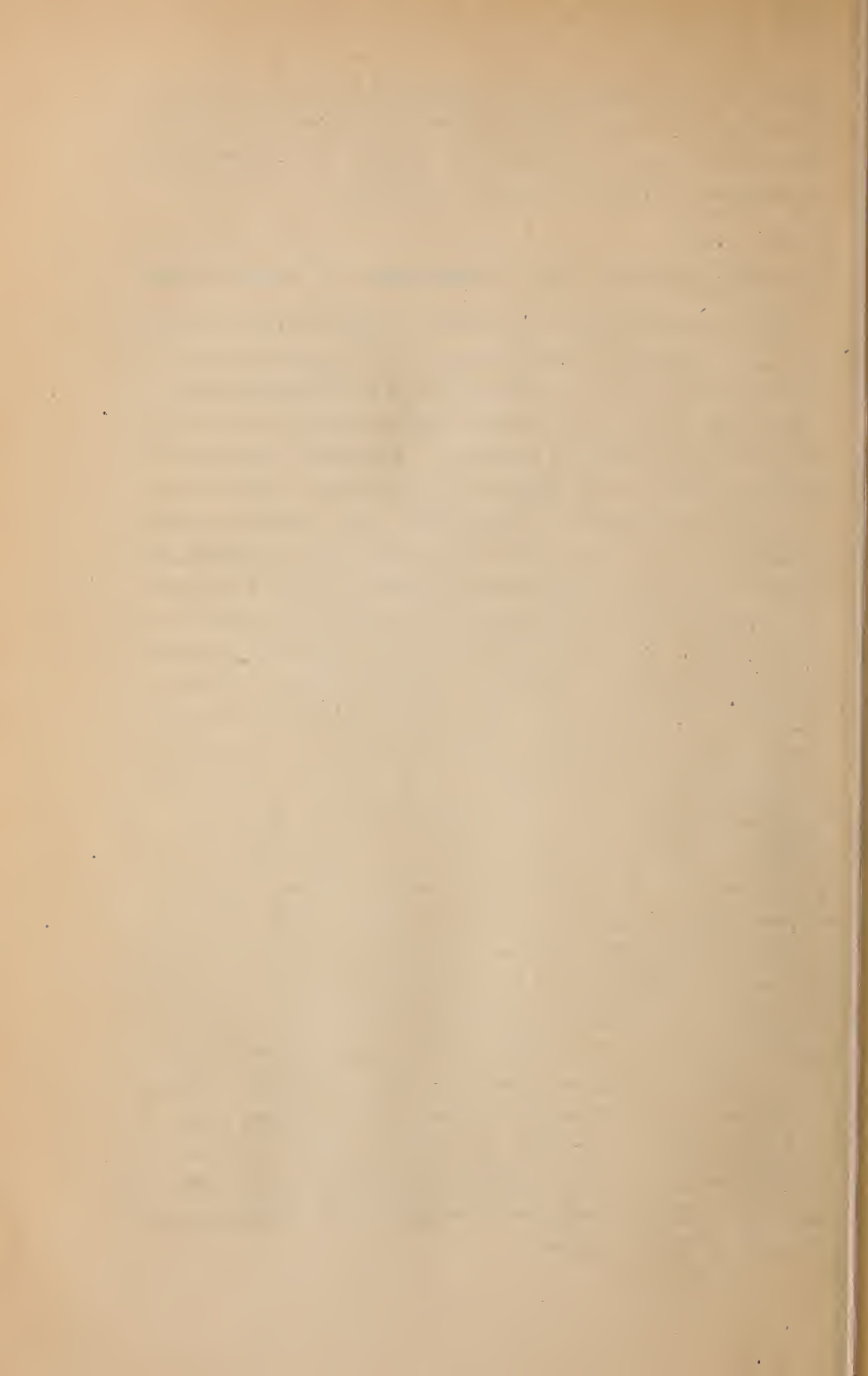


trator will be responsible for organizing his staff, subject to instructions from the Director, both at the regional and sub-regional level, so as to handle the volume of complaints and investigations which will arise in each region.

## **Section 4000**

### **INVESTIGATIONS AND REPORTS OF VIOLATIONS**

It is contemplated that complaints of violations of food orders and the initiation of investigations by the Food Distribution Administration, except in cases where it is determined that the matter transcends regional lines, will be routed to the various Regional Administrators for action. Generally speaking, the Regional Chief of Compliance will be charged with the duty of making appropriate investigations and bringing specific violations to the attention of the Regional Administrator. Violations should be brought to the attention of the Administrator by means of complete reports of investigations which should include the names of all parties involved and their addresses; complete information relating to the time, place, and circumstances of the transaction; names and addresses of witnesses, if any; and, when possible, signed statements of all the parties involved and of the witnesses. If the persons signing statements are willing, such statements should be sworn to. In addition to the foregoing information, the investigation report should contain all facts available which will be important in determining the nature and effective period of the suspension, including facts with respect to the inventory of the commodity involved, the frequency of receipts of supplies of commodities, the frequency and extent of violations, the names of suppliers, and the nature of the business of the person under investigation. All circumstances surrounding the particular violations alleged to have occurred and other factors bearing upon the economic effects, including the effects upon the local and national economies that might result from the invocation of sanctions, and the likelihood of recurrence of violations, should be set forth in the report.



It should be borne in mind that the determination with respect to the nature of action to be taken will be based, primarily, upon the facts disclosed by the investigation report and, to a large extent, the sanctions finally invoked will be based upon the facts so disclosed. Consequently, careful and meticulous attention should be given to the collection of facts and the presentation thereof in the investigation report.

## Section 5000

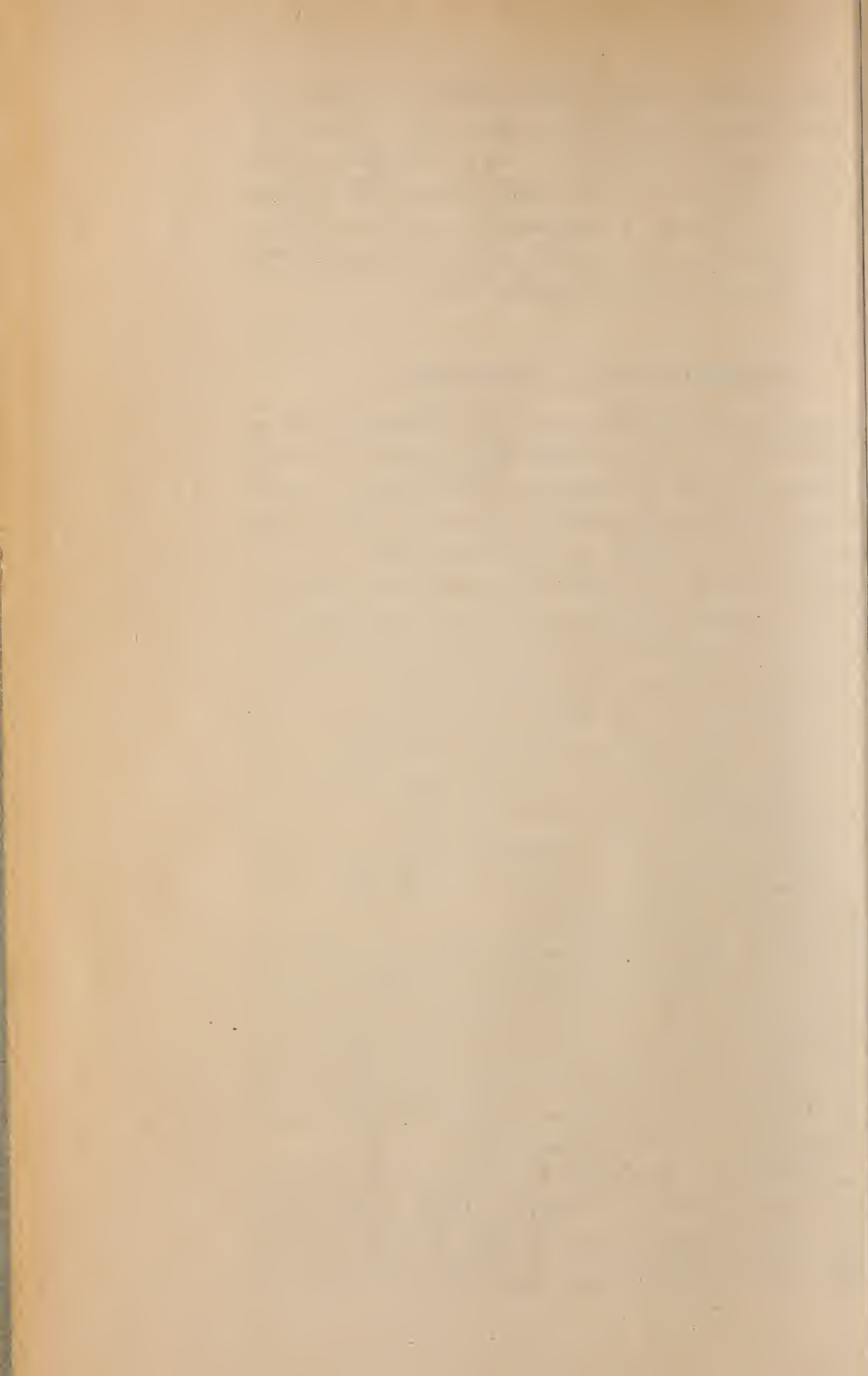
### INVESTIGATORY SUBPOENAS

In conducting investigations, the use of subpoenas may be helpful and proper in cases in which the facts or documents sought cannot otherwise be obtained. The subpoena power, however, should be used sparingly and only when other means of conducting an investigation have proved futile. In no instance should a subpoena be used for the purpose of obtaining access to the books and records of the person under investigation prior to his attention having been called to the provisions of the order requiring him to make them available. The Secretary of Agriculture has authorized various employees of the Department, including Regional Attorneys of the Office of the Solicitor, to issue subpoenas in connection with matters relating to food distribution orders (see Appendix A). In cases requiring the use of subpoenas, applications should be made to the appropriate Regional Attorney or to any other person authorized to issue such subpoenas.

Only essential records should be demanded in a subpoena and the person subpoenaed should be given sufficient time to produce the required data. The time and place of appearance should be clearly stated and so fixed as to cause as little interference as possible with the business of the person subpoenaed. Forms of subpoenas *duces tecum* and *ad testificandum* are set forth in Appendices C and D, respectively.

Under Title III of the Second War Powers Act, pursuant to which subpoenas are issued, it is provided that the production of a person's books, records, and other documentary evidence shall not be required at any place other than the place



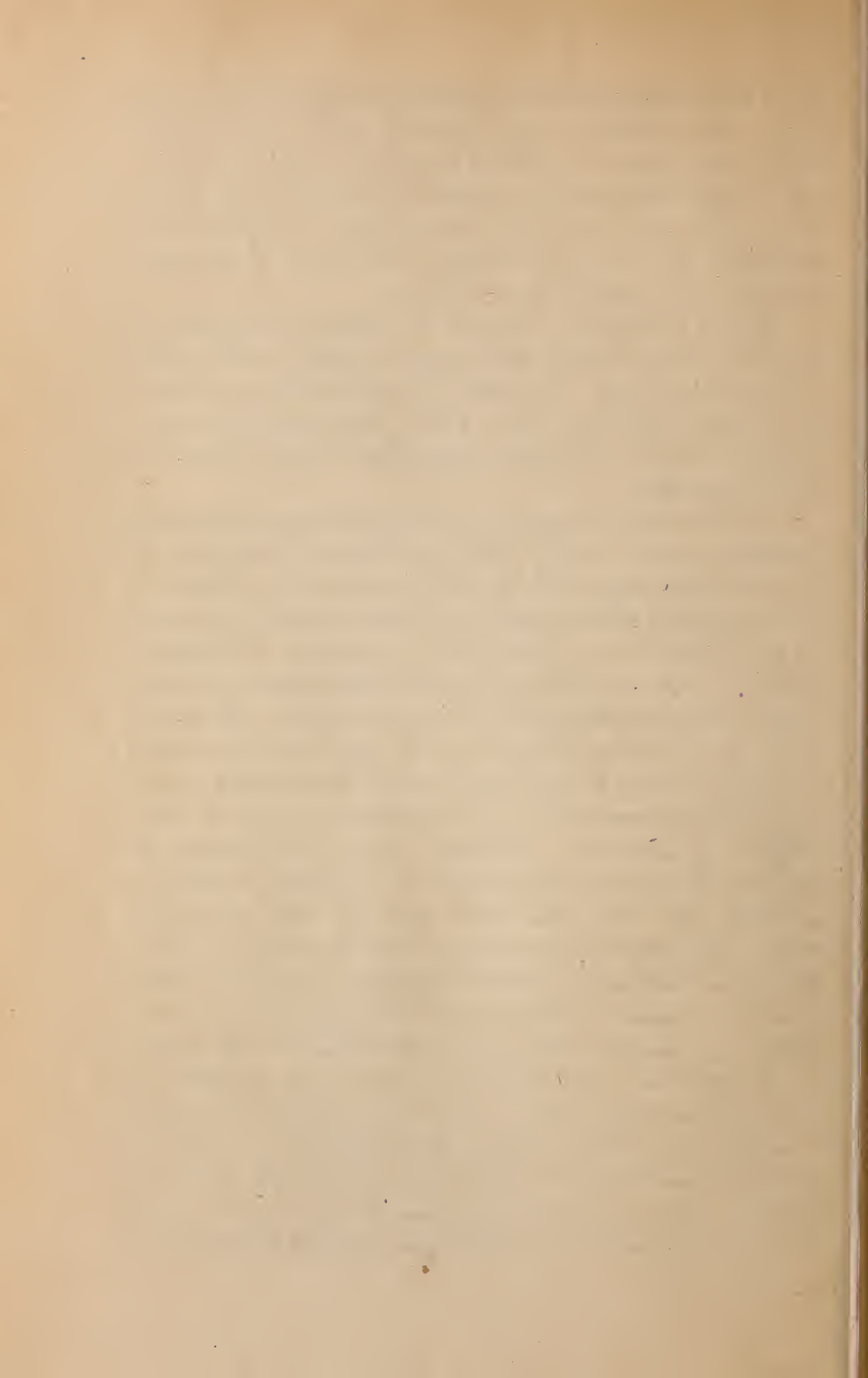




where such person resides or transacts business, if, prior to the return date specified in the subpoena issued with respect thereto, such person furnishes a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy), or enters into a stipulation as to the information contained in such books, records, or other documentary evidence.

A witness appearing in response to a subpoena is entitled to the same fees and mileage that are paid witnesses in the courts of the United States. The form for use in claiming such fees and mileage is Standard Form 1034. When used, this form, properly executed, should be forwarded to the Director of Food Distribution.

A person called to testify or to produce books pursuant to a subpoena is not excused from attending and testifying, or from producing such books or other documentary evidence, on the ground that the testimony or evidence required may tend to incriminate him or subject him to a penalty or forfeiture. However, if any individual claims his constitutional privilege against self-incrimination and is made to testify, such person is granted immunity from prosecution concerning any crimes or violations which his testimony reveals, except that he is not exempt from prosecution and punishment for perjury committed in so testifying. Therefore, persons representing the Government should exercise caution in compelling individuals to testify who claim that their testimony will incriminate them. Such persons should not be made to testify or to produce the documentary evidence demanded unless it is clear that the evidence so obtained can be obtained in no other fashion, and that the importance of obtaining the information in the particular proceeding outweighs the result which the Government would obtain in proceeding against the person who claims his privilege against self-incrimination. It should be borne in mind that the subpoenaing of the witness and his testifying after appearing in response thereto does not result in his receiving immunity unless he has specifically claimed his



rights against self-incrimination and has been made to testify thereafter.

Where a person refuses to obey a subpoena, or claims his constitutional privilege and it has been determined that his testimony should be required and, after receiving immunity, he refuses to testify, the matter should be referred to the Regional Attorney, who will, through the United States Attorney, take recourse to the District Court for the enforcement of the subpoena (Title III, Second War Powers Act).

## **Section 6000**

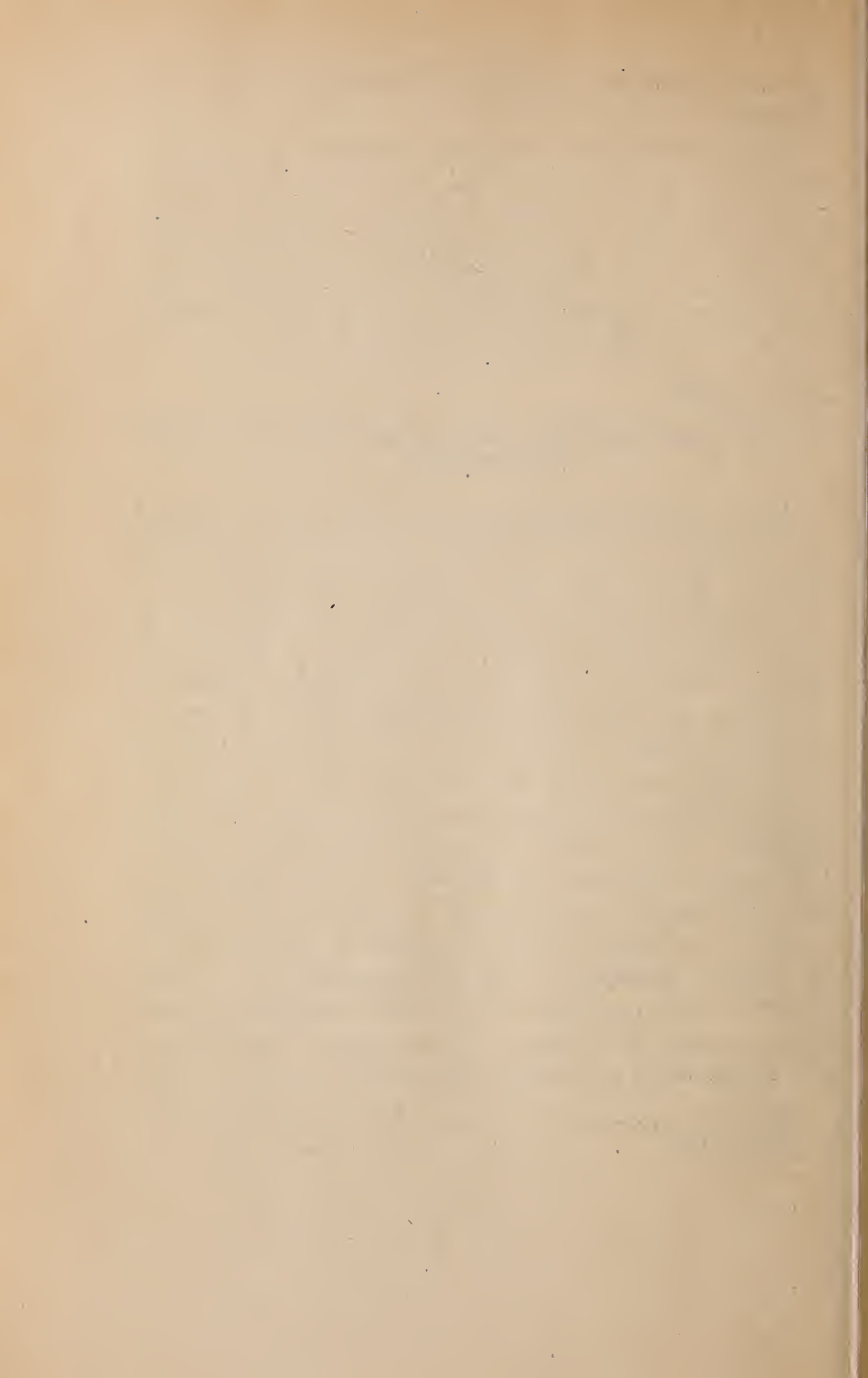
### **PROCEDURE FOR THE IMPOSITION OF AVAILABLE SANCTIONS <sup>1</sup>**

Many violations normally should be adjusted at the regional and subregional level by education, visitation, publicity campaigns, or similar techniques. Usually, cases disposed of in the manner just mentioned will be minor cases where there is no provable wilfulness present, where there is a clear case of excusable neglect, or where there are other such mitigating circumstances. Cases which are not disposed of in this manner should be brought to the attention of the Regional Chief of Compliance, who, in turn, will bring such cases to the attention of the Regional Administrator in the manner previously described. In the absence of special instructions from the Director, the Regional Administrator will be charged with the initial decision as to the types of sanctions to be invoked.

When a particular violation is brought to the attention of the Regional Administrator by the Regional Chief of Compliance, it will be accompanied by a full investigation report of the type set forth above, and the Regional Administrator will decide which of the following actions are to be taken:

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<sup>1</sup> This manual supersedes Director's Memorandum No. 42, Suppl. 5, issued February 22, 1943.



## **Section 6100**

### **REFERENCE TO APPROPRIATE COMMODITY BRANCH REPRESENTATIVE**

In cases where, in the opinion of the Regional Administrator, there is no justification for invoking sanctions he may refer such matters to the appropriate Commodity Branch representative or Commodity Division for further adjustment by way of education, visitation, publicity, or similar methods.

## **Section 6200**

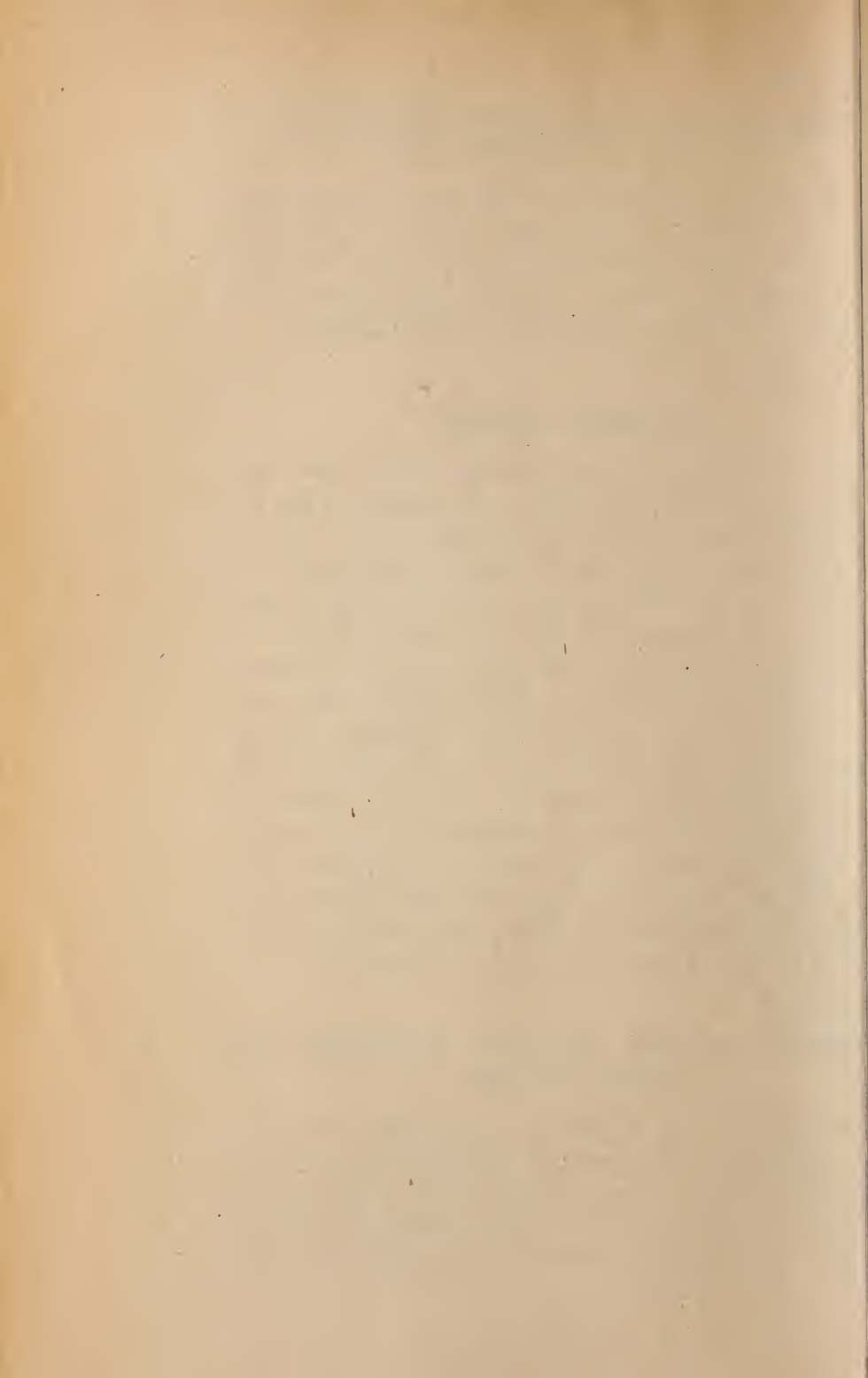
### **WARNING LETTER**

In cases involving more serious violations than those mentioned in Section 6100, but which, in the opinion of the Regional Administrator do not warrant either court action or suspension orders, he may decide to send a warning letter to the person involved. When it has been determined to adopt this action, the Regional Administrator shall refer the file, containing the investigation report and all other pertinent papers, to the Regional Attorney, whose duty it will be to prepare a warning letter for the signature of the Regional Administrator. In carrying out this duty, the Regional Attorney shall review all papers transmitted to him and should feel free to consult with the Regional Administrator and members of his staff. The warning letter, when prepared by the Regional Attorney, should be transmitted to the Regional Administrator for signature and mailing to the person involved. A form of a warning letter is set forth in Appendix E.

## **Section 6300**

### **REFERENCE TO THE REGIONAL ATTORNEY FOR COURT ACTION**

If, in the opinion of the Regional Administrator, the case is of a serious nature, he may recommend to the Regional Attorney the initiation of court proceedings for the purpose of securing injunctive relief or for the purpose of securing a conviction under the Second War Powers Act or Section 35a of the



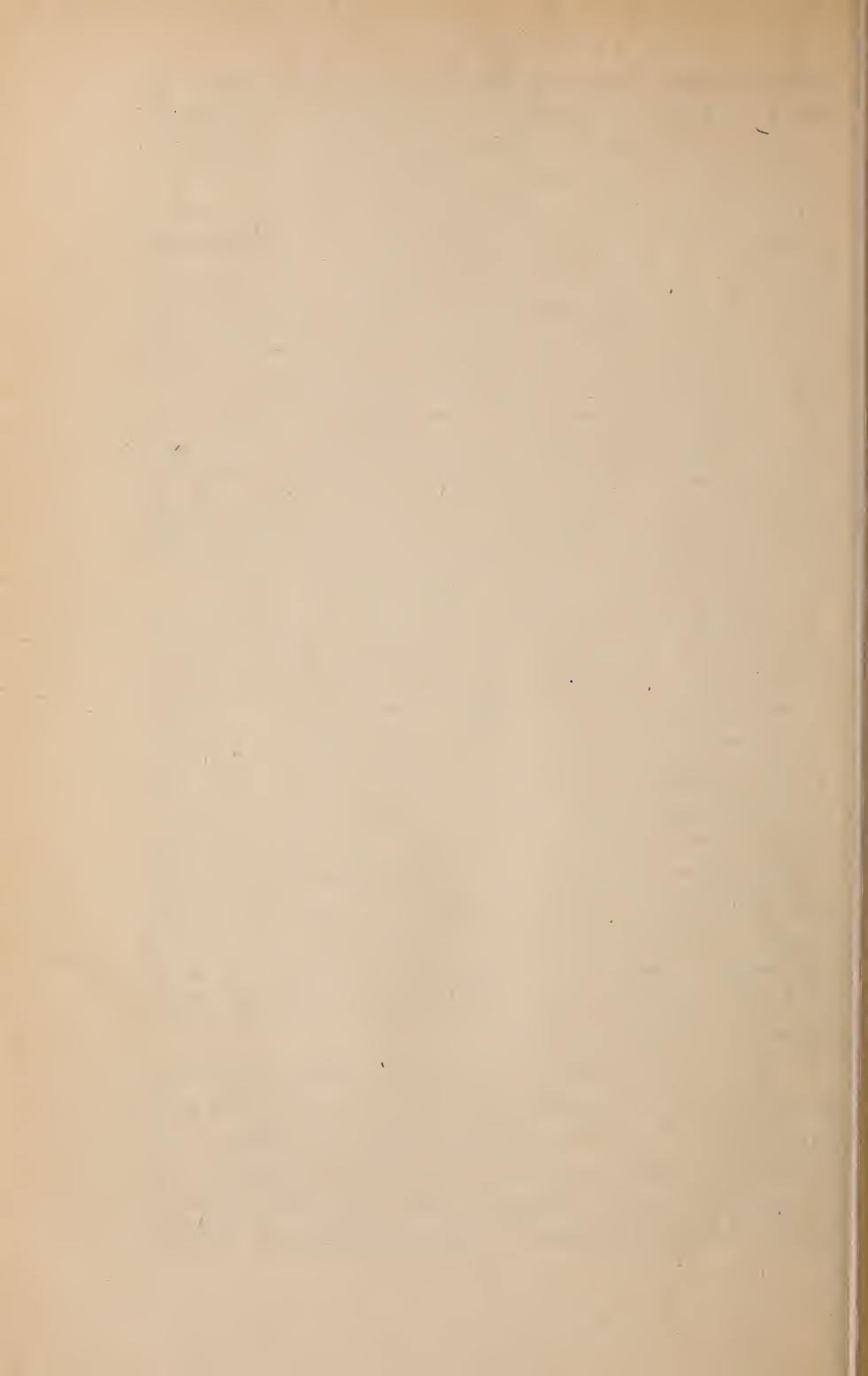


Criminal Code. In transmitting the case to the Regional Attorney, with his recommendation, the Regional Administrator should include in the file the investigation report and all other pertinent data with respect to the particular case.

The Regional Attorney shall thereupon review the case to determine whether the evidence set forth in the investigation report will sustain the recommended action. In carrying out this duty, the Regional Attorney should review all papers transmitted to him and, where necessary, should consult with the Regional Administrator and his staff for the purpose of securing necessary technical data. The Regional Attorney may suggest further investigations in order to secure the necessary facts to prepare the case for presentation in court. Where the Regional Attorney, after such review and consultation, decides that the recommended court action is sustained by the investigation report, he shall take the following steps:

1. All criminal offenses and civil cases which, in the opinion of the Regional Administrator and Regional Attorney, are primarily local in their implications may be referred direct, without prior clearance from the Office of the Solicitor or the Food Distribution Administration in Washington, by letter prepared by the Regional Attorney setting forth the nature of the case and requesting appropriate action, to the local Anti-Trust Division of the Department of Justice. The local Anti-Trust Division offices and the attorneys in such offices who will handle these matters are listed in Appendix F. Only those criminal offenses and civil cases which are not primarily local in their implications, or which raise unusual or novel questions of law or of administrative policy should be cleared through Washington as hereinafter provided.

2. Where, for any reason, it is determined that a case is not primarily local in its implications, or raises an unusual or novel question of law or of administrative policy, the Regional Attorney shall prepare a letter to the Attorney General of the United States for the signature of the Associate Solicitor in Charge of Food Distribution. This letter should set forth the



nature of the case involved and request the Attorney General to take appropriate action.

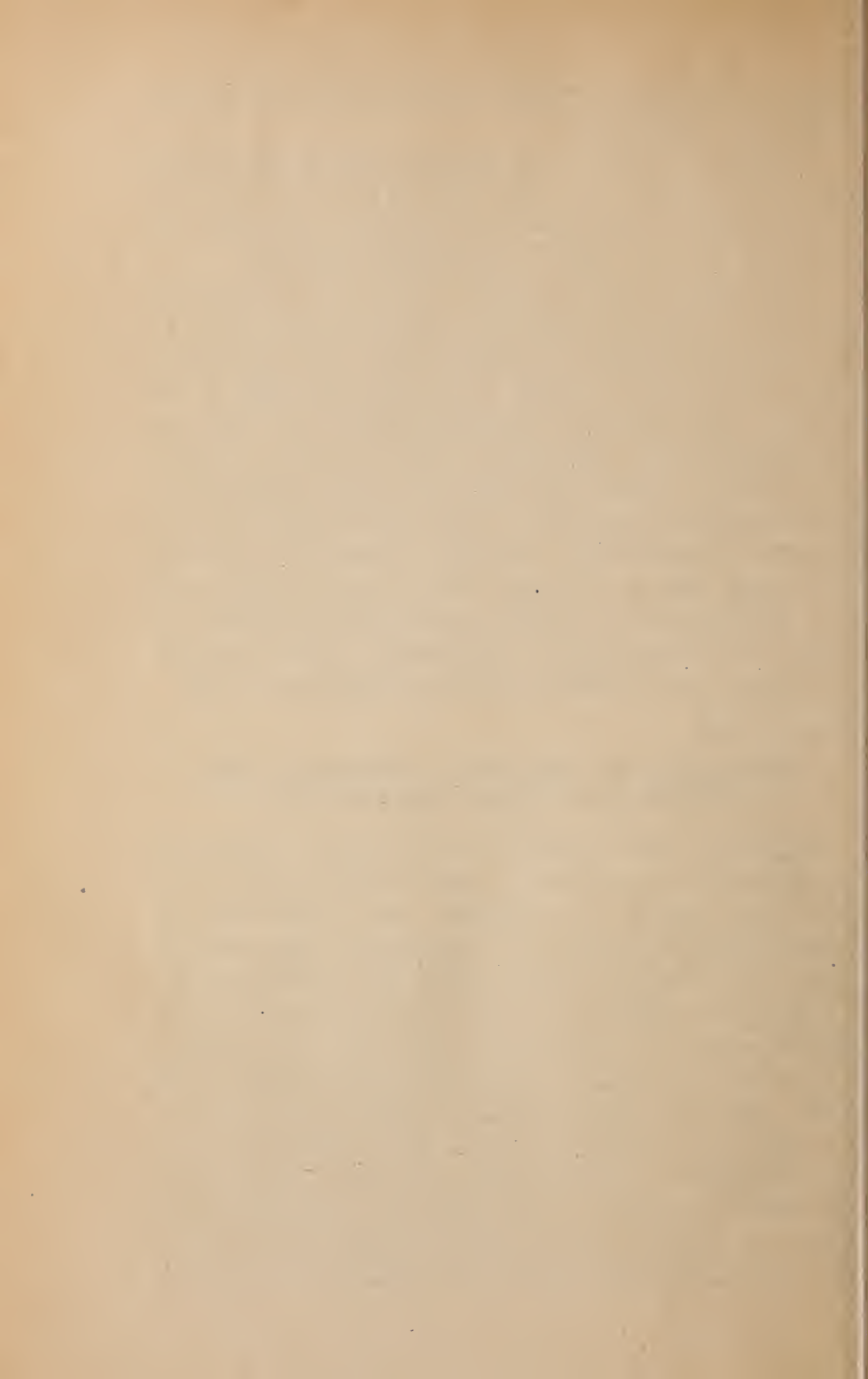
The Regional Attorney shall then transmit the file containing all of the papers in the case, including the letter to the Attorney General, to the Regional Administrator who shall forward such file to the Chief of the Compliance Branch.

Upon receipt of the file it will be reviewed by the Compliance Branch; and after consultation with the representative of the Commodity Branch or branches charged with the administration of the order or orders involved and the Office of the Solicitor, the Chief of the Compliance Branch will make his recommendation for administrative or court action, or both, to the Deputy Director responsible for order administration. Such recommendations will be routed to the Deputy Director through the appropriate commodity Branch for initialing. The Deputy Director, if he determines that court action should be instituted, shall refer the file, including the letter to the Attorney General prepared by the Regional Attorney and all other papers, to the Solicitor's Office for appropriate action.

## **Section 6400**

### **REFERENCE TO REGIONAL ATTORNEY FOR SUSPENSION ORDER PROCEEDINGS**

In the event that the Regional Administrator decides that the case is one appropriate for administrative action in the form of the issuance of a suspension order, he shall refer the case, including the investigation report and all other pertinent data, to the Regional Attorney with his recommendations. The Regional Attorney, as in the instances mentioned above, shall thereupon review the file of the case and, when necessary, consult with the Regional Administrator and members of his staff. Where the Regional Attorney finds that the investigation report is not sufficient to support the recommended action, he shall suggest to the Regional Administrator the information that should be obtained to supplement the investigation report. Where the Regional Attorney determines that the evidence in the investigation report supports the issuance of a suspension



order, he shall assign a docket number to the proceeding and prepare a formal docket in which all of the papers relating to the proceeding will be kept. The docket number should contain the initials "FDA" to indicate that the proceeding arises as a result of a violation of an order administered by the Food Distribution Administration. Following this should be the initials indicating the Food Distribution Administration region in which the proceeding is instituted. Following this, in numerical sequence, should be the number indicating the case, i. e., FDA-NE-1.

The Regional Attorney shall thereupon prepare, for the signature of the Regional Administrator, a statement of the charges to be sent to the person against whom the proceeding is directed (hereinafter referred to as the respondent).

#### **Section 7000**

### **SUSPENSION ORDER PROCEDURE**

#### **Section 7100**

### **PREPARATION AND CONTENT OF STATEMENT OF CHARGES**

The statement of charges prepared by the Regional Attorney shall contain the following:

1. A brief and clear statement of the allegations of fact which constitute a basis for the proceedings, specifying, with particularity, the matters and things in issue. The allegations of fact with respect to each separate violation shall be set forth in separately numbered paragraphs. The statement of charges shall not include charges, implied charges, or requirements phrased generally in the words of any order or act. However, the provisions of any order or act may be identified, quoted, or used in preliminary recitals. The allegations of fact should be as specific as practicable with respect to dates, persons, materials, products, or weights and uses of material whenever these factors are relevant to the violation charged. In short, allegations of fact in the statement of charges shall constitute a summary of the ultimate

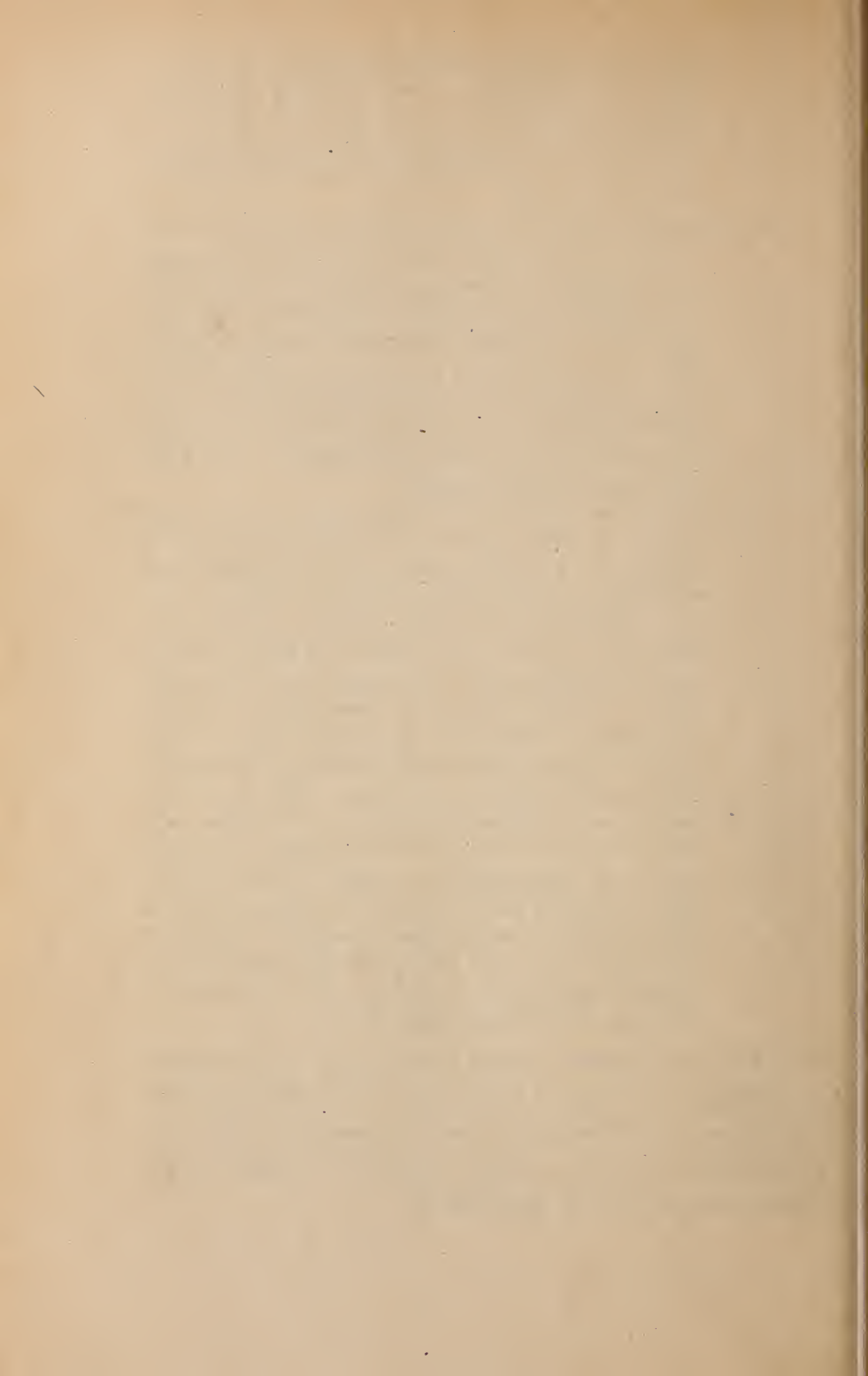




facts established by the evidence contained in the report of investigation. The charging paragraph should conclude with a reference to the order violated, such as, "This use of cocoa beans constitutes a violation of Food Distribution Order No. 25, effective February 27, 1943."

2. A statement that the purpose of the proceeding is to determine whether, based upon the charges contained in the statement of charges, a suspension order should issue against the respondent withholding from him priorities and allocations assistance and prohibiting him from receiving, processing, using, delivering, or dealing in any material or product the supply, distribution, use, or production of which is governed or limited by any order administered by the Food Distribution Administration.
3. A statement informing the respondent that he must, within five days after service of the statement of charges, file a written answer with the Regional Administrator, which answer should (a) contain a precise statement of the facts which constitute the grounds of defense and should specifically admit, deny, or explain each of the allegations of the statement of charges unless the respondent is without knowledge, in which case the answer shall so state; or (b) state that the respondent admits all the allegations of the statement of charges. The respondent should also be informed that he may, within five days after service upon him of the statement of charges, ask for an opportunity to be heard, if he so desires. The respondent should further be informed that a failure to file an answer shall constitute a waiver of any objection to the taking of such action as is deemed appropriate. (A form of a statement of charges is set forth in Appendix G.)

The Regional Attorney should also prepare, to accompany the statement of charges, a brief statement of the procedure to be followed at the hearing, if one is requested, in which the nature of the proceeding is briefly indicated. (A form of such a statement is set forth in Appendix H.)



## **Section 7200**

### **SERVICE**

The Regional Administrator shall cause the statement of charges and accompanying statement of procedure to be served upon the respondent either by personal service or registered mail. Such service shall be made as follows:

## **Section 7210**

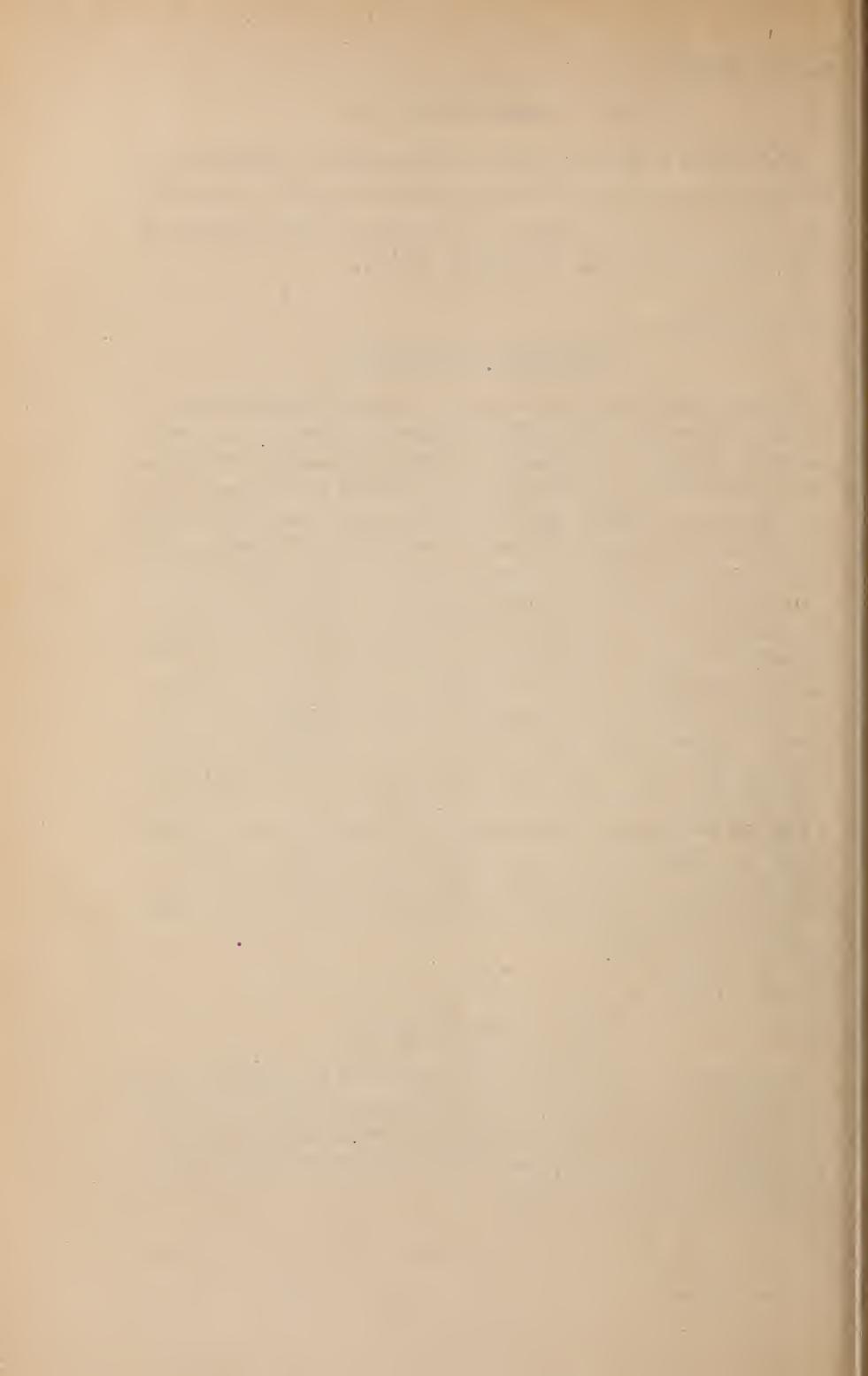
### **PERSONAL SERVICE**

Personal service shall be made upon an individual other than an infant by delivering a copy of the statement of charges and accompanying statement of procedure to him personally or by leaving copies thereof at his dwelling house, or usual place of abode, with some person of suitable age and discretion then residing therein, or by leaving a copy thereof at his usual place of business, or by delivering a copy of such papers to an agent authorized by appointment or by law to receive service of process. Personal service shall be made upon an infant by serving such papers in the manner prescribed by law of the State in which service is made for the service of summons or other like process upon any such person in an action brought in the courts of general jurisdiction of that State. Personal service shall be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering a copy of such papers to an officer, a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process and, if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to such person.

## **Section 7220**

### **REGISTERED MAIL**

The statement of charges and statement of procedure shall be served by causing to be registered and mailed a copy addressed to the individual, partnership, corporation, organization, or association, who is the respondent, at his or its last known residence, principal office, or place of business.



## **Section 7300**

### **PROOF OF SERVICE**

When service has been effected, the person making such service shall prepare the proof of service as follows:

1. In case of personal service, he shall execute a certificate showing the date, time, and place where service was effected, and the person upon whom service was effected and the nature of the document served.
2. In the case of service by registered mail, the person effecting service shall execute a certificate showing the date, time, and place at which the document was mailed, and to whom addressed, and the nature of the document mailed, and shall attach thereto the registered mail receipt. The certificate in both cases shall disclose that the person was not a party to the proceeding and was over 18 years of age. (A form of certificate of service is set forth in Appendix I.)

The statement of charges, with proof of service attached thereto, shall be filed in the docket immediately after service has been effected.

## **Section 7400**

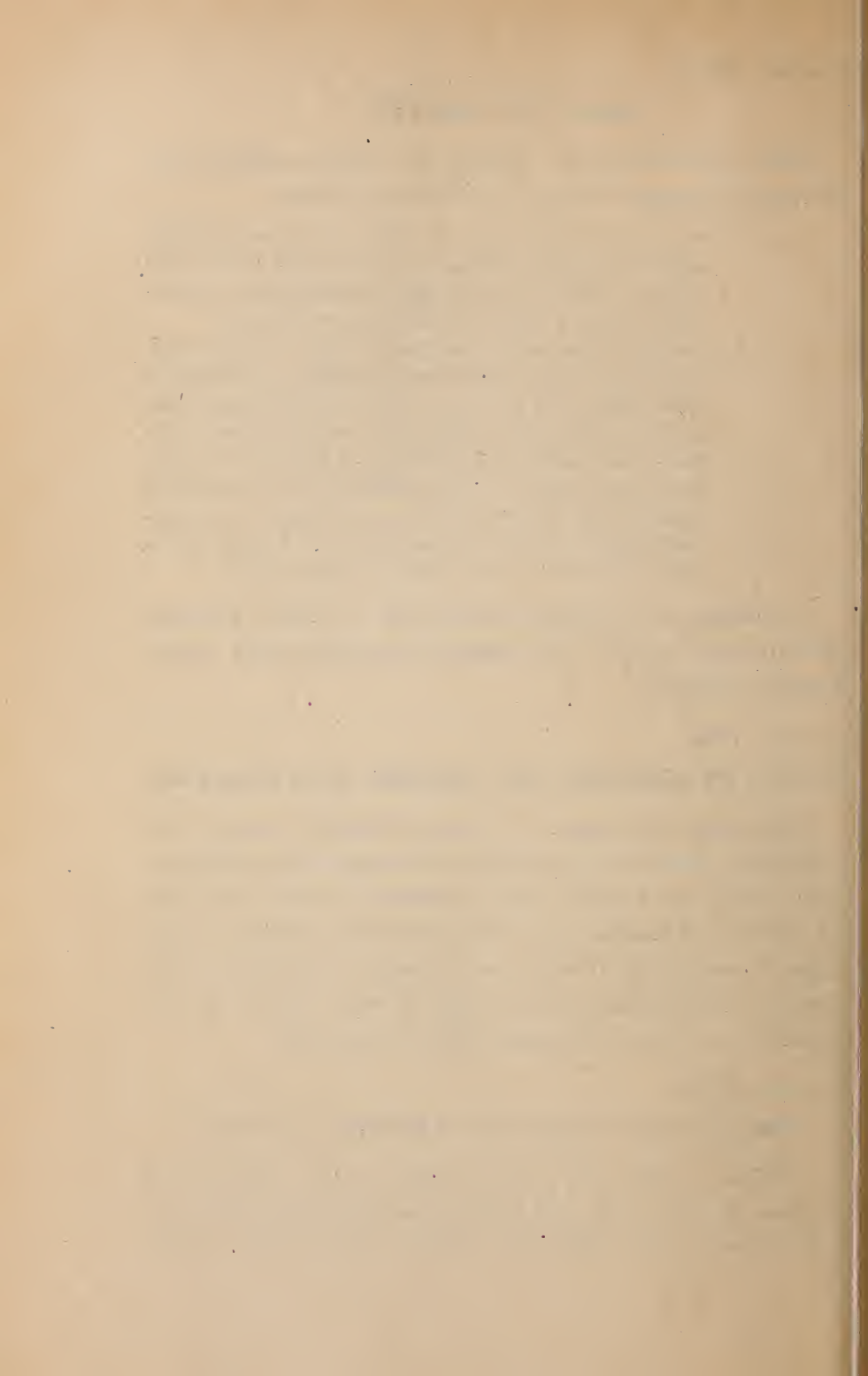
### **FILING OF ANSWER AND REQUEST FOR HEARING**

The answer and request to be heard, if desired, must be filed within five days after the service of the statement of charges. The answer and request shall be deemed to have been filed on the date of mailing, as evidenced by the postmark at the place of mailing, or, if otherwise delivered at the office of the Regional Administrator, on the date of such delivery, as evidenced by the time it is marked filed in such office.

## **Section 7500**

### **PROCEDURE WHERE NO ANSWER IS FILED**

1. Where, within the time specified in the statement of charges, the respondent fails to file an answer with the Regional Administrator, the Regional Attorney shall, upon request,





forthwith prepare a suspension order for the signature of the Secretary <sup>2</sup> to be issued against the respondent. A form of a suspension order is set forth in Appendix J. The docket shall then be returned to the Regional Administrator.

2. After the docket is transmitted to the Regional Administrator, he shall forward the docket containing the proposed suspension order and other papers to the Chief of the Compliance Branch. The Chief of the Compliance Branch, after reviewing the docket, shall forward it to the Secretary for signature. It shall be routed, for initialing, through the Commodity Branch or branches having jurisdiction over the particular order or orders involved, the offices of the Deputy Director, the Director, and the Solicitor. After the Secretary signs the order, it shall be published in the Federal Register and, in this connection, the Secretary's Records shall perform the same functions as it does with respect to all food orders. In addition, copies of the order shall be served upon the parties and such other persons as may be designated. Finally, the docket shall be sent to the Hearing Clerk, Office of the Solicitor, who shall be the permanent custodian thereof.

## **Section 7600**

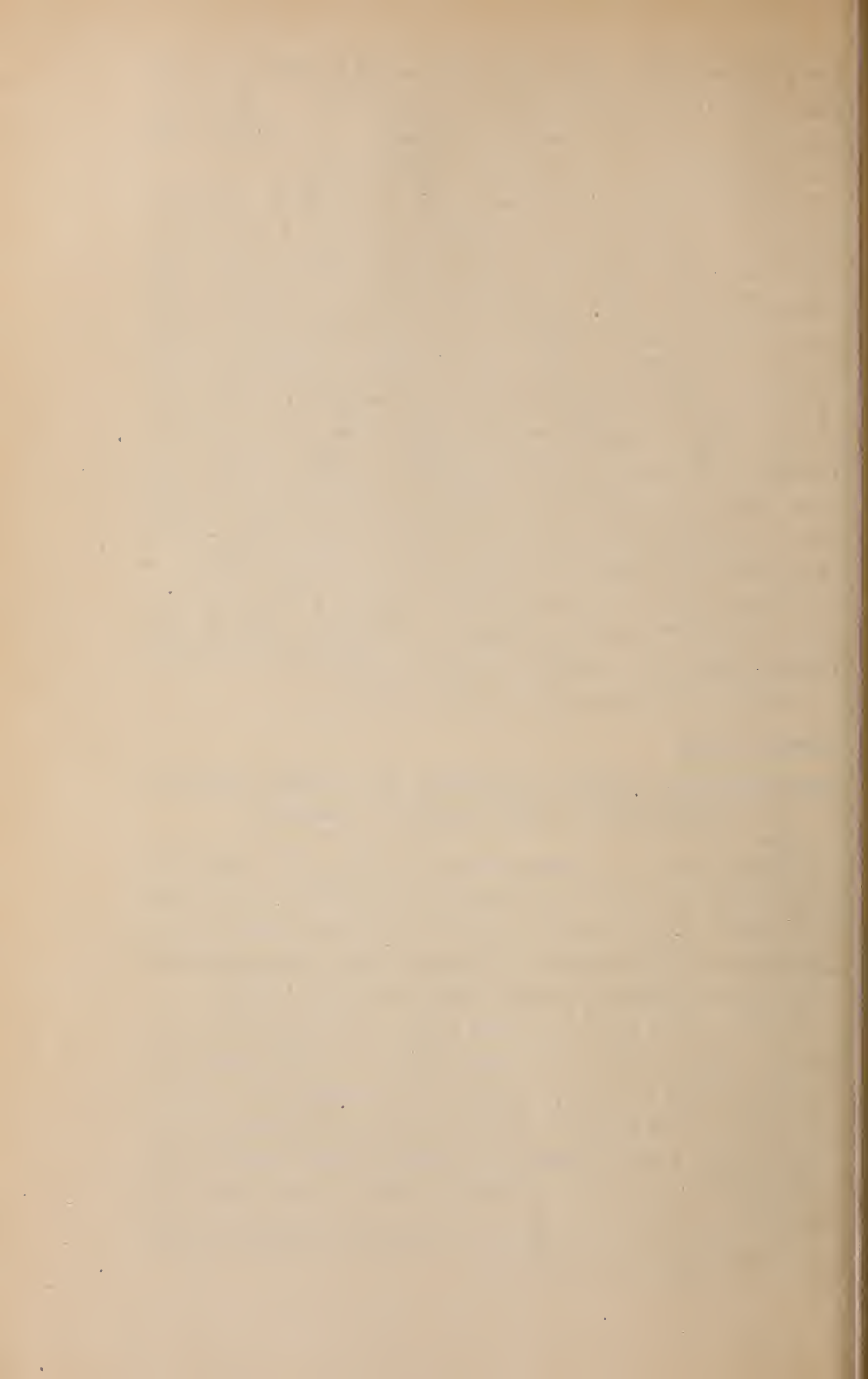
### **PROCEDURE WHERE ANSWER IS FILED AND NO REQUEST TO BE HEARD IS MADE**

Where, within the time specified for filing, the respondent files an answer with the Regional Administrator, but does not make a request to be heard, the Regional Administrator shall proceed to consider the matters set forth in the answer and to make his decision as to the action to be recommended.

(1) If, in the opinion of the Regional Administrator, the charges made against the respondent are satisfactorily explained by the matters set forth in the answer, or if, for any other reason, the Regional Administrator thinks that a dismissal is proper in the particular proceeding, he may decide to dismiss the proceeding without further action. In such instances,

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<sup>2</sup> Until further notice, all suspension orders shall be prepared for the signature of the Secretary of Agriculture.



the Regional Administrator shall transmit the docket to the Regional Attorney with a memorandum stating his decision, and the Regional Attorney shall prepare, for the signature of the Regional Administrator, an order of dismissal. The docket shall then be returned to the Regional Administrator, who shall cause a copy of the order of dismissal to be served upon the respondent. The docket shall then be transmitted to the Hearing Clerk, Office of the Solicitor, who shall be the permanent custodian thereof. A form of an order of dismissal is set forth in Appendix K.

(2) If, in the opinion of the Regional Administrator, the facts revealed by the answer disclose that a suspension order would not be appropriate in the particular case but that a warning letter would suffice, he may decide to dispose of the proceeding by sending a warning letter to the respondent. In such instances, the procedure to be followed by the Regional Administrator and the Regional Attorney shall be the same as that prescribed above in connection with the use of warning letters (see Section 6200).

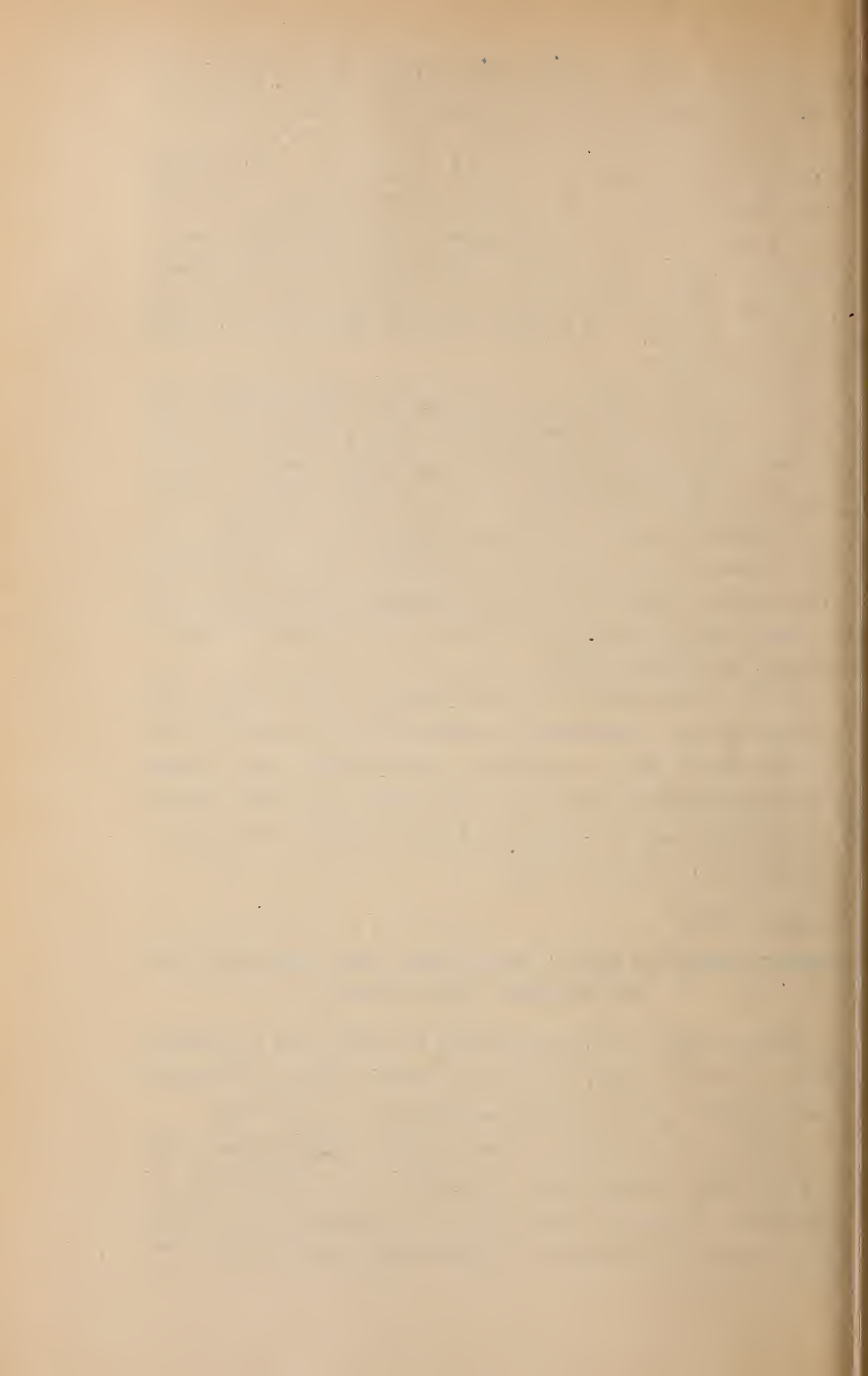
(3) If, in the opinion of the Regional Administrator, the charges are not satisfactorily explained by the answer, and he determines that a suspension order should issue against the respondent, the procedure to be followed by the Regional Administrator and the Regional Attorney shall be the same as that set forth in Section 7500.

## **Section 7700**

### **PROCEDURE WHERE ANSWER AND REQUEST TO BE HEARD ARE FILED**

Where, within the time specified for filing, the respondent files an answer and request to be heard with the Regional Administrator, the case shall be disposed of as follows:

(1) If, in the opinion of the Regional Administrator, the charges made against the respondent are satisfactorily explained by the matters set forth in the answer, or if, for any other reason, the Regional Administrator thinks that a dis-



missal is proper in the particular proceeding, he may decide to dismiss the proceeding without further action. In such instances, the Regional Administrator shall transmit the docket to the Regional Attorney with a memorandum stating his decision, and the Regional Attorney shall prepare, for the signature of the Regional Administrator, an order of dismissal (Appendix K). The docket shall then be returned to the Regional Administrator who shall cause a copy of the order of dismissal to be served upon the respondent. The docket shall then be transmitted to the Hearing Clerk, Office of the Solicitor, who shall be the permanent custodian thereof.

(2) If, in the opinion of the Regional Administrator, the facts revealed by the answer disclose that a suspension order would not be appropriate in the particular case but that a warning letter would suffice, he may decide to dispose of the proceeding by sending a warning letter to the respondent. In such instance, the procedure to be followed by the Regional Administrator and the Regional Attorney shall be the same as that prescribed above in connection with the use of warning letters (see Section 6200).

(3) If, in the opinion of the Regional Administrator, the charges are not satisfactorily explained by the matters set forth in the answer and a request to be heard has been made by the respondent, the Regional Administrator shall transmit the docket to the Regional Attorney, who shall follow the procedure set forth in the following pages of this manual.

## **Section 8000**

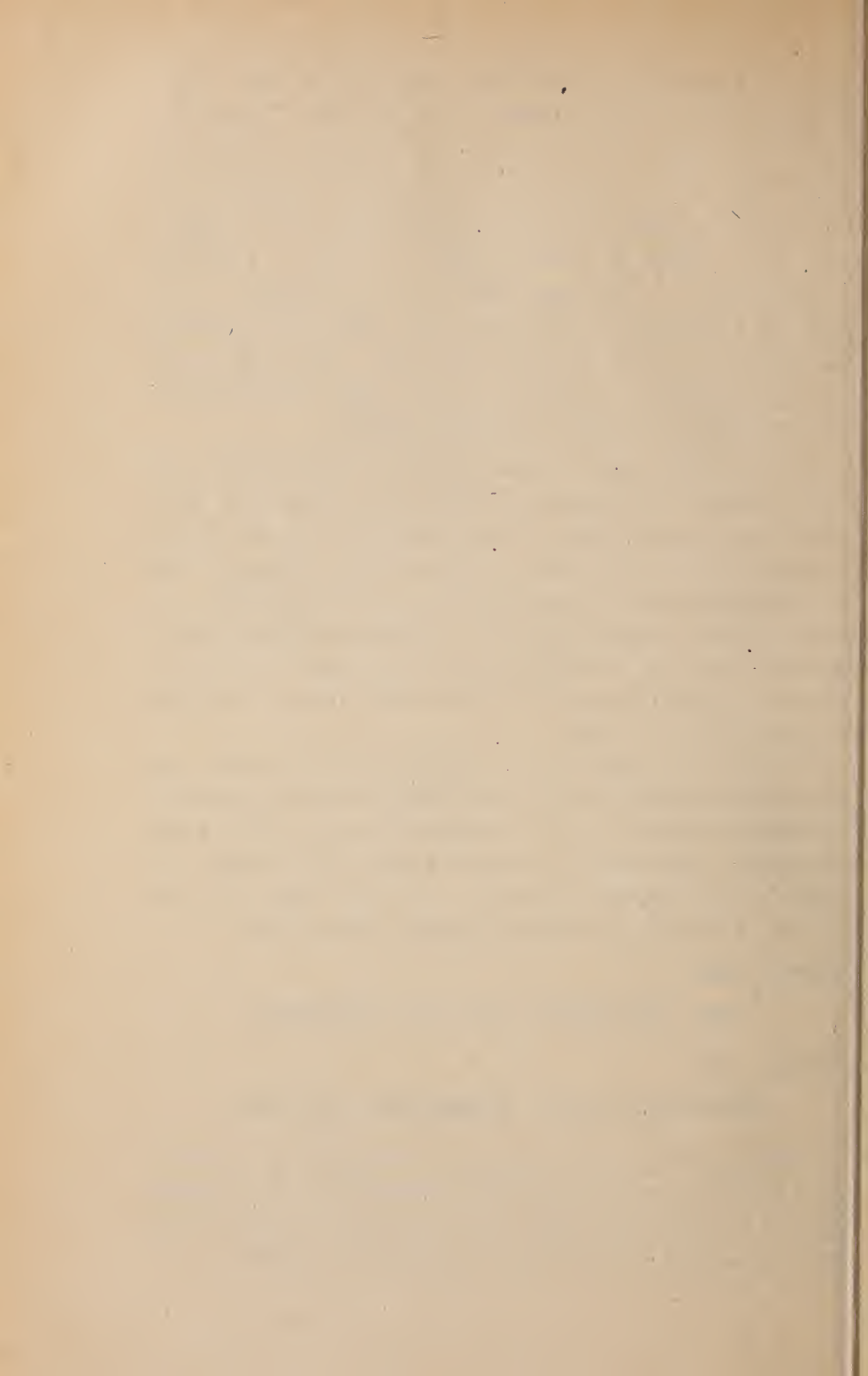
### **THE HEARING AND ITS INCIDENTS**

## **Section 8100**

### **DESIGNATION OF PRESIDING OFFICER**

Hearings shall be conducted by a Presiding Officer in accordance with the procedure specified in the statement accompanying the statement of charges and, in addition, in accordance with the specific instructions set forth in this manual.







The Regional Attorney, unless otherwise instructed, shall designate the person to preside at the hearing, who shall be an employee of the Department of Agriculture authorized by the Secretary of Agriculture to act as Presiding Officer (see Appendix A).

The Regional Attorney, in designating the presiding officer, should bear in mind that the success of the suspension order proceeding as a method of enforcement will depend in a large measure on the skill and good judgment of the Presiding Officer who should, therefore, be one who will make every effort to conduct the proceeding fairly and in conformity with these instructions. The responsibility for obtaining a suspension order in the case of any particular alleged violation is not that of the Presiding Officer. No person who has any pecuniary interest in the outcome of the proceeding; who has participated in the investigation preceding the institution of the proceeding; or who bears any relationship to any of the parties to the proceeding shall be designated or serve as Presiding Officer in such proceeding.

The Presiding Officer should be familiar with the statutes, directives, orders, and regulations involved in the proceeding.

In case of the absence, illness, resignation, or death of the Presiding Officer who has been assigned to a proceeding, or, in case the Solicitor determines that, for other good cause, such Presiding Officer should not act, the powers and duties to be performed by him, in connection with such proceeding, may be assigned to any other authorized employee of the United States Department of Agriculture.

## Section 8200

### NOTICE OF HEARING

The Presiding Officer, upon being designated, shall immediately prepare and serve upon the respondent, in the manner set forth under the heading "Service" (see Section 7200), a notice of hearing, notifying the respondent to appear before him at a designated time and place to present any defense to or explanation of the charges that the respondent may have.



The place of hearing shall be fixed by the Presiding Officer at a place convenient to the parties, giving due consideration to the number of parties and witnesses and transportation difficulties. The notice shall state that if the respondent does not appear as directed, his nonappearance will be deemed a waiver of any objection to the taking of such action as is deemed warranted by the record in the proceeding. A form of a notice of hearing is set forth in Appendix L.

## Section 8300

### POWERS OF PRESIDING OFFICER

In any proceeding assigned to him, the Presiding Officer shall have power to:

(1) Rule upon motions and requests (all motions shall be in writing except that those made during the hearing may be stated orally);

(2) Adjourn the hearing from time to time and change the place of hearing (this power includes the right, for good cause shown, to continue the hearing so as to give the respondent a chance to appear where he has failed to appear at the designated time and place of hearing);

(3) Administer oaths and affirmations and take affidavits;

(4) Admit or exclude evidence;

(5) Issue subpoenas requiring the attendance and testimony of witnesses and the production of books, papers, and other documentary evidence (this power should be used sparingly by the Presiding Officer and only in unusual instances. If subpoenas are issued at the request of the respondent, witness fees shall be paid by the respondent); and

(6) Do any act and take all measures necessary for the maintenance of order and efficient conduct of the proceeding.

## Section 8400

### CONDUCT OF THE HEARING

In any proceeding in which it appears that such procedure will expedite the proceeding, the Presiding Officer may, at any time, request the parties or their counsel to confer with him



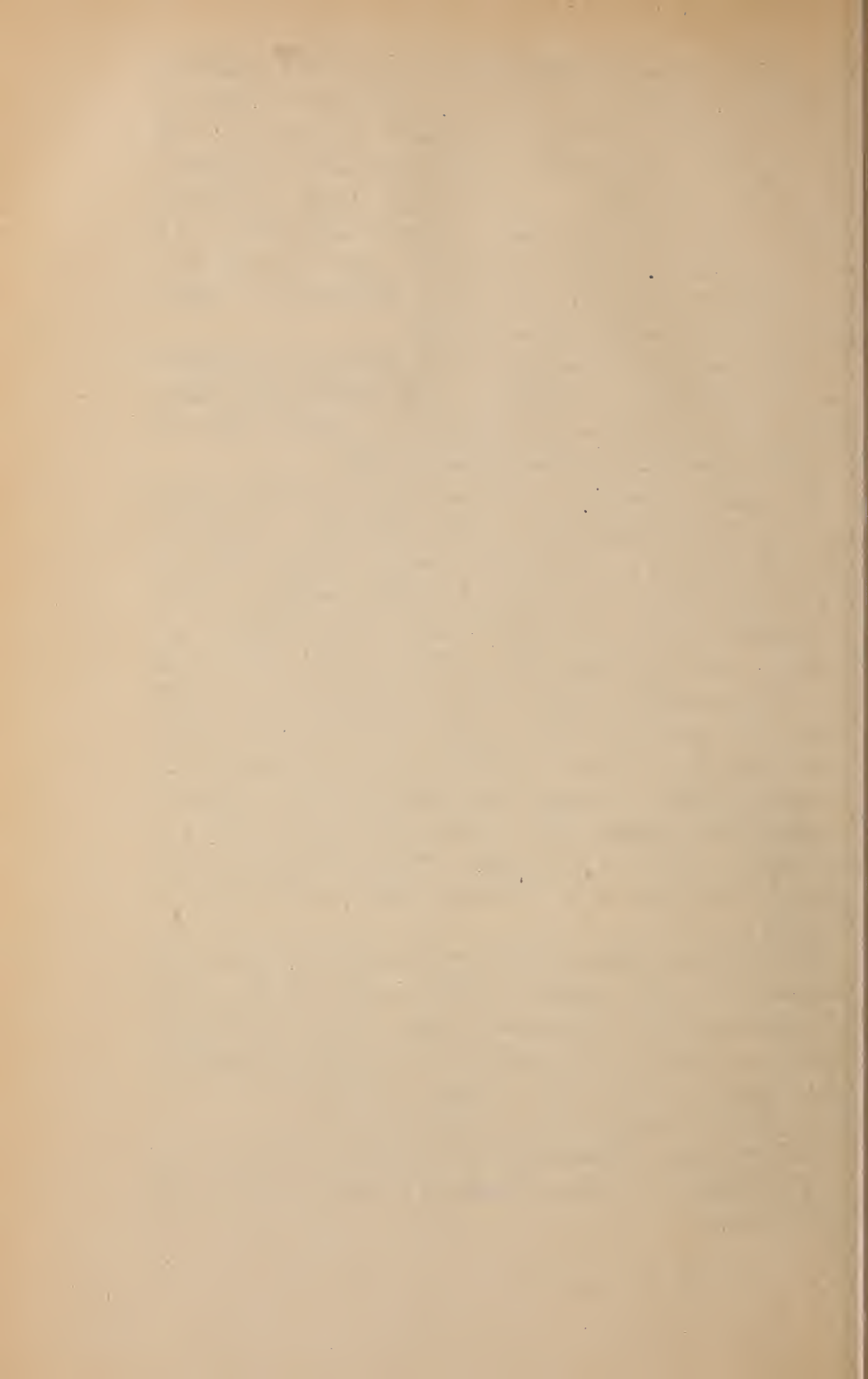
to consider: (1) the simplification of issues; (2) the possibility of obtaining stipulations of fact and all documents which may avoid unnecessary proof and examination of witnesses; and (3) such other matters as may expedite and aid in the disposition of the proceeding. No transcript of such conference shall be made, but there shall be prepared and filed for the record a written summary of the action taken as a result of the conference, including any written stipulations or agreements made as a result of the conference.

In many cases, formal appearances by attorneys for respondents will not be made. In such an event, the Presiding Officer shall take such steps as are necessary to insure a full and complete presentation of the respondent's case.

No written transcript of the hearing is required unless requested by the Government or the respondent. If the respondent requests a transcript he must provide for the making thereof and for the payment of expenses therefor. Where a transcript is made, two legible copies thereof shall be furnished to the Presiding Officer without charge within such time after completion of the taking of testimony as he shall direct. No transcript shall be made or considered part of the record until approved and certified by the Presiding Officer. In the event that no stenographic transcript of the testimony is taken, the Presiding Officer shall provide for the taking of such notes at the time of hearing as will enable him to make a written summary of the relevant evidence received at the hearing.

The Presiding Officer should see that all appearances are appropriately noted, together with the name of the person on whose behalf the appearance is made. If it develops that the person ultimately responsible for the violation, and against whom the suspension order, if issued, would operate, has not been notified, a further notice should be issued.

The Presiding Officer should see that the original of the notice of hearing and the certificate of service are made a part of the record.





The demeanor of the attorney for the Government, if any attorney is designated for the hearing, shall conform in all respects to the standards of fairness with which Government attorneys are expected to comply. The participation of any such attorney in the proceeding ends at the conclusion of the hearing except as to his possible participation in briefs that may be written in connection with the matter.

Contemptuous conduct by any person at any hearing shall be ground for exclusion of such person from the hearing.

The following specific instructions shall govern the Presiding Officer in conducting the hearing:

#### Section 8410

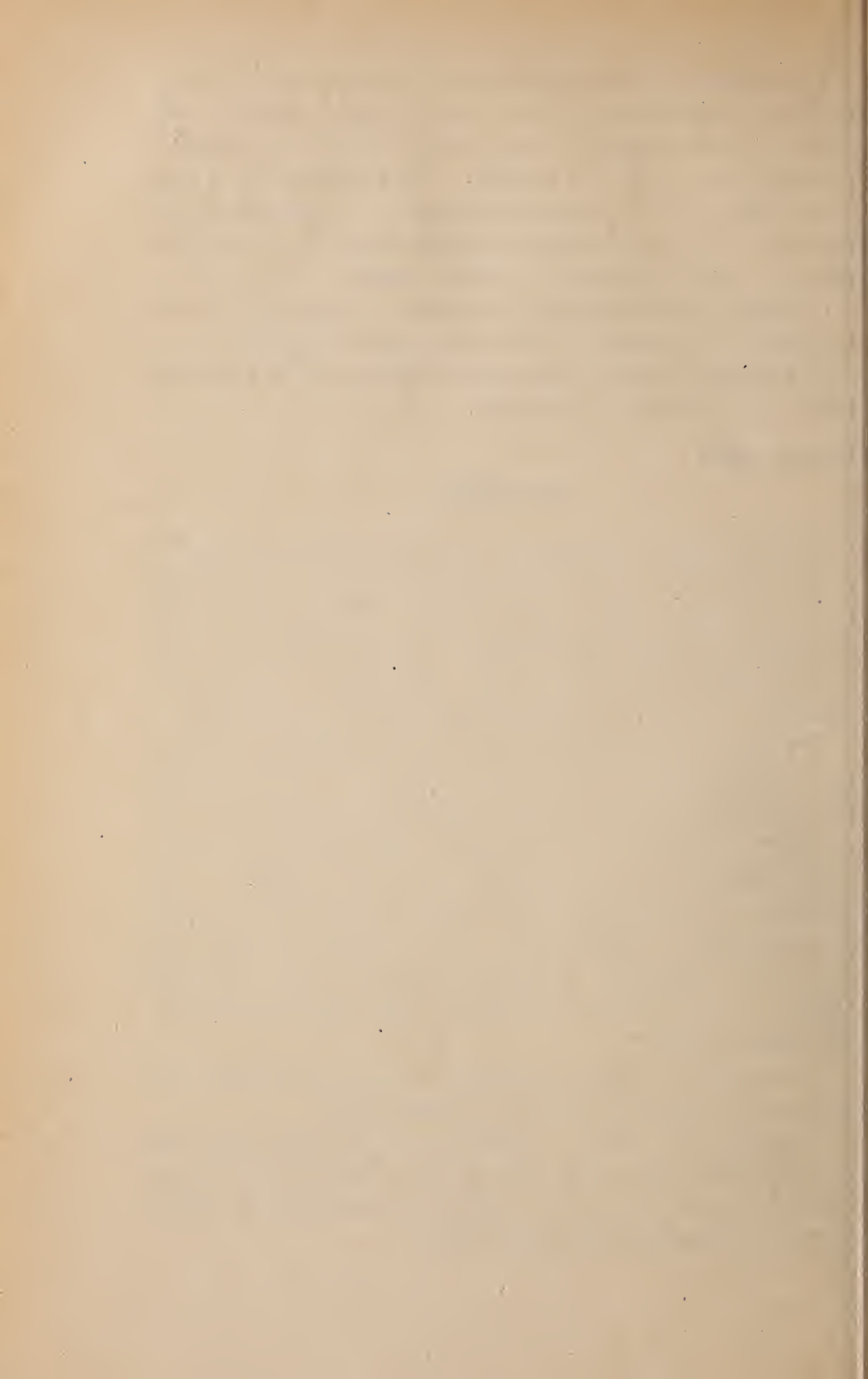
### EVIDENCE

The testimony of witnesses at a hearing shall be upon oath or affirmation and subject to cross-examination. Any witness may, at the discretion of the Presiding Officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. The rules of evidence prevailing in courts of law and equity shall not be controlling.

The test of admissibility shall be the reliability, relevancy, and probative force of the evidence offered. Remote hearsay and unreliable evidence, which would not be convincing to the ordinary man, should not be received. Likewise, purely cumulative evidence should be avoided whenever possible. The grounds of any objection to the admission or rejection of any evidence shall be briefly stated. The transcript, if any, shall not include argument except as ordered by the Presiding Officer. The ruling of the Presiding Officer shall be a part of the transcript, if any.

The practice of offering evidence in written form where the parties are willing to do so should be encouraged.

The Presiding Officer, throughout the hearing, shall also mark for identification all of the exhibits offered by the parties which are received by him. Whenever practicable, an exhibit should be submitted with three copies.



The refusal of a witness at a hearing to answer any question which has been ruled to be proper shall, in the discretion of the Presiding Officer, be ground for striking out all testimony previously given by such witness as to all matters.

If a respondent or a witness refuses to testify on the ground of his privilege against self-incrimination, he shall not be compelled to testify unless directed by the Presiding Officer, with the consent of the representative of the Government, to testify pursuant to Title III of the Second War Powers Act.

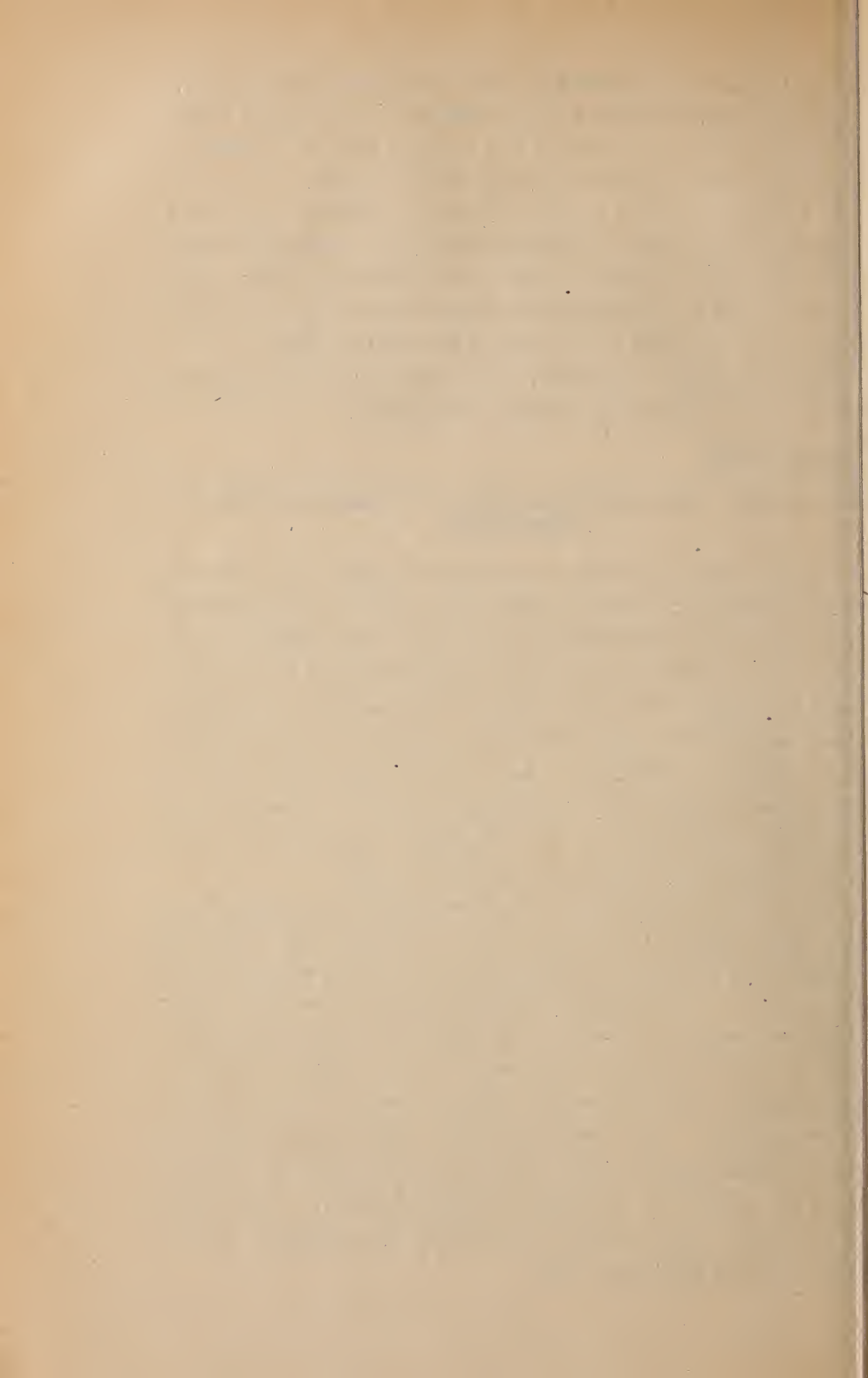
Affidavits may be received at the discretion of the Presiding Officer if the evidence is otherwise admissible.

## **Section 8420**

### **DEFAULTS AND ADMISSIONS OF ALLEGATIONS AT HEARING**

(a) The failure of the respondent to appear at a hearing shall be deemed a waiver by him of the right to an opportunity to be heard and of any objection by him to the taking of such action as is deemed warranted by the facts alleged in the statement of charges. On such failure of the respondent to appear, the Presiding Officer shall thereupon prepare his report, which shall contain a certification as to the nonappearance of the respondent, and forward it, together with the docket, to the Regional Administrator. The Regional Administrator shall follow the procedure set forth in Section 7500.

(b) Upon the admission at the hearing by the respondent of the facts alleged in the statement of charges, the Presiding Officer shall prepare a formal statement of such admission for the record. The Presiding Officer may, in his discretion, allow the introduction of evidence with respect to mitigating circumstances and conditions which will tend to assist in the determination of the nature and effective period of the sanction to be invoked. The Presiding Officer shall then prepare his report containing his recommendations and forward it, together with the docket, to the Regional Administrator. Thereupon, the Regional Administrator shall follow the procedure hereinafter set forth in Section 9300.



## Section 8430

### ORDER OF PROCEEDING

The Presiding Officer shall open the hearing with a brief statement of the purpose of the hearing and the procedure that will be followed. The representative of the Government shall then proceed to introduce, either through the investigator or otherwise, such data and information as is deemed appropriate in explanation and clarification of the charges contained in the statement of charges. Thereafter, the respondent shall present such data and information in support of the facts alleged in his answer and in contravention of the allegation of facts contained in the statement of charges as he or his counsel deems appropriate and the Presiding Officer rules relevant. This presentation by the respondent may be in narrative form or in response to questions and may be presented through the respondent or other persons familiar with the relevant facts. At the close of the hearing, the Presiding Officer may allow a short period for the presentation of oral argument or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five days.

## Section 9000

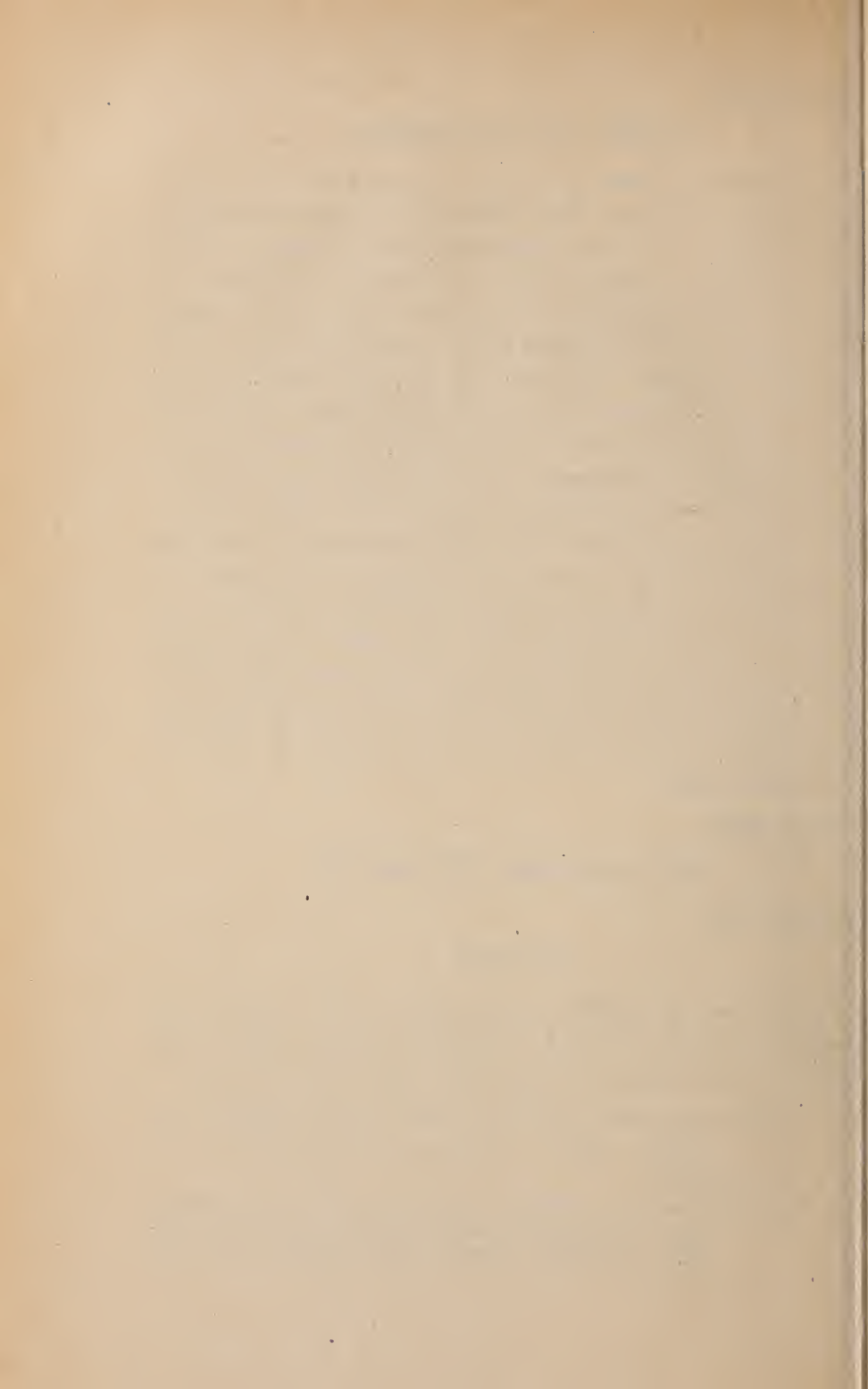
### POST HEARING PROCEDURE

## Section 9100

### RECORD

As soon as practicable after the close of the hearing, the Presiding Officer shall certify an original and one copy of the record of the proceeding which shall contain the following:

1. The procedural documents, including the statement of charges, notice of hearing, and the certificates of service;
2. The evidence received at the hearing, either stenographically transcribed or summarized by the Presiding Officer, including exhibits, stipulations, or other doc-





uments which have been received by the Presiding Officer; and

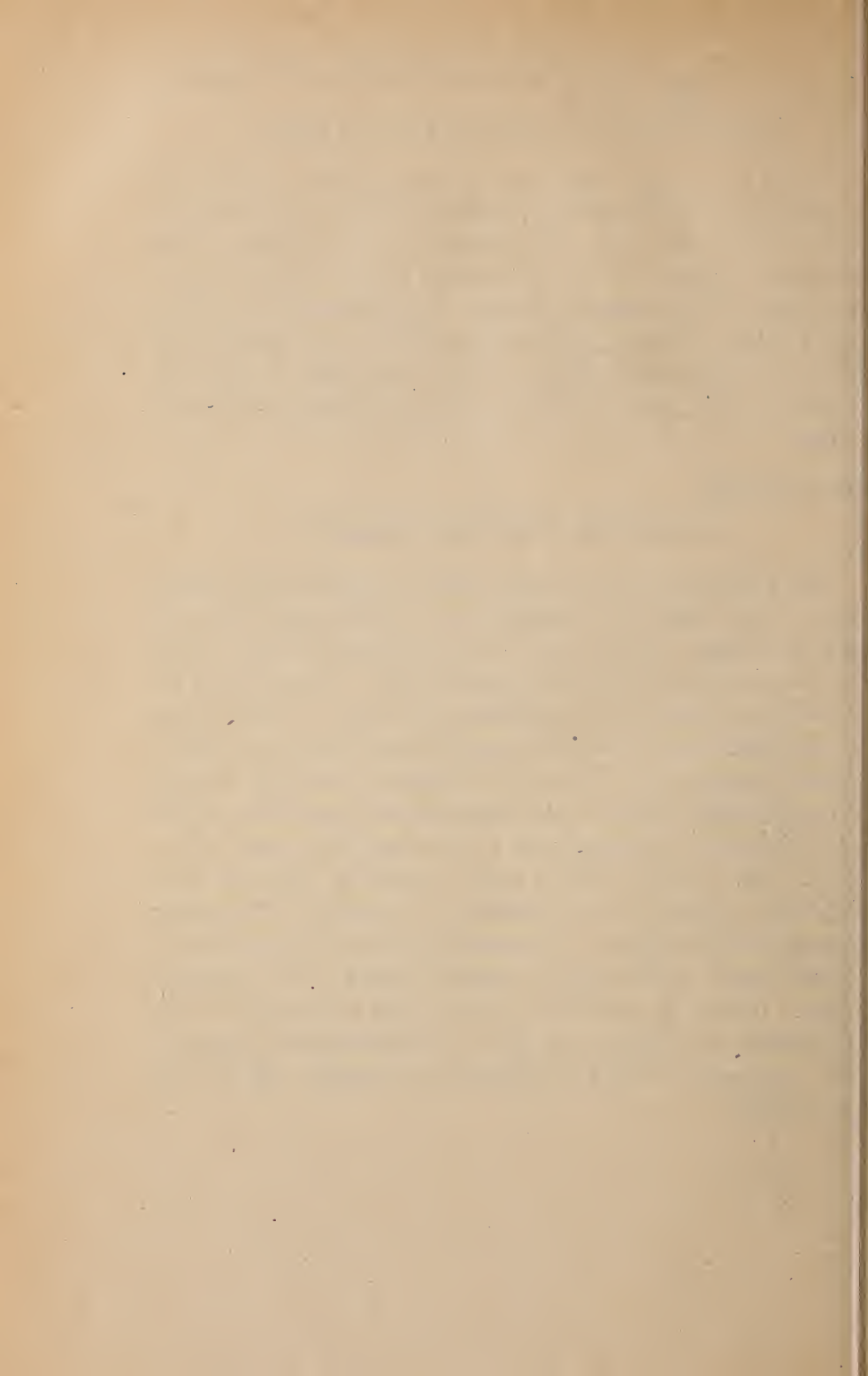
3. Briefs, if any, received by the Presiding Officer.

In the event that a summary statement of the evidence is made by the Presiding Officer, he shall, before transmitting the record to the Regional Administrator, submit copies of the summary statement of the evidence to the parties to the proceeding or to their representatives. Accompanying the record, the Presiding Officer shall also transmit his report, which shall consist of proposed findings of fact, conclusions of law, and recommended order to be entered in the proceeding (see Section 9200).

Section 9200

**PRESIDING OFFICER'S REPORT**

The Presiding Officer's report shall be prepared with great care. Accordingly, the findings, both on the facts constituting the alleged violation and the facts relevant to the period of suspension, should be clear and succinct. There should be a finding on every fact of significance in the case. The findings of fact shall normally follow the allegations of fact in the statement of charges, and where the findings in the report deviate from the facts alleged in the statement of charges the report should contain an explanation of the reasons for such deviation. The Presiding Officer shall prepare his report as soon after the conclusion of the hearing as is consistent with proper care and deliberation. In the period following the conclusion of the hearing, this must be considered as his most important duty. Unless the report is prepared and the record of the proceeding is forwarded promptly, the advantages of speed in the application of this administrative sanction will be lost completely.



## Section 9300

### PROCEDURE UPON RECEIPT OF PRESIDING OFFICER'S REPORT BY REGIONAL ADMINISTRATOR

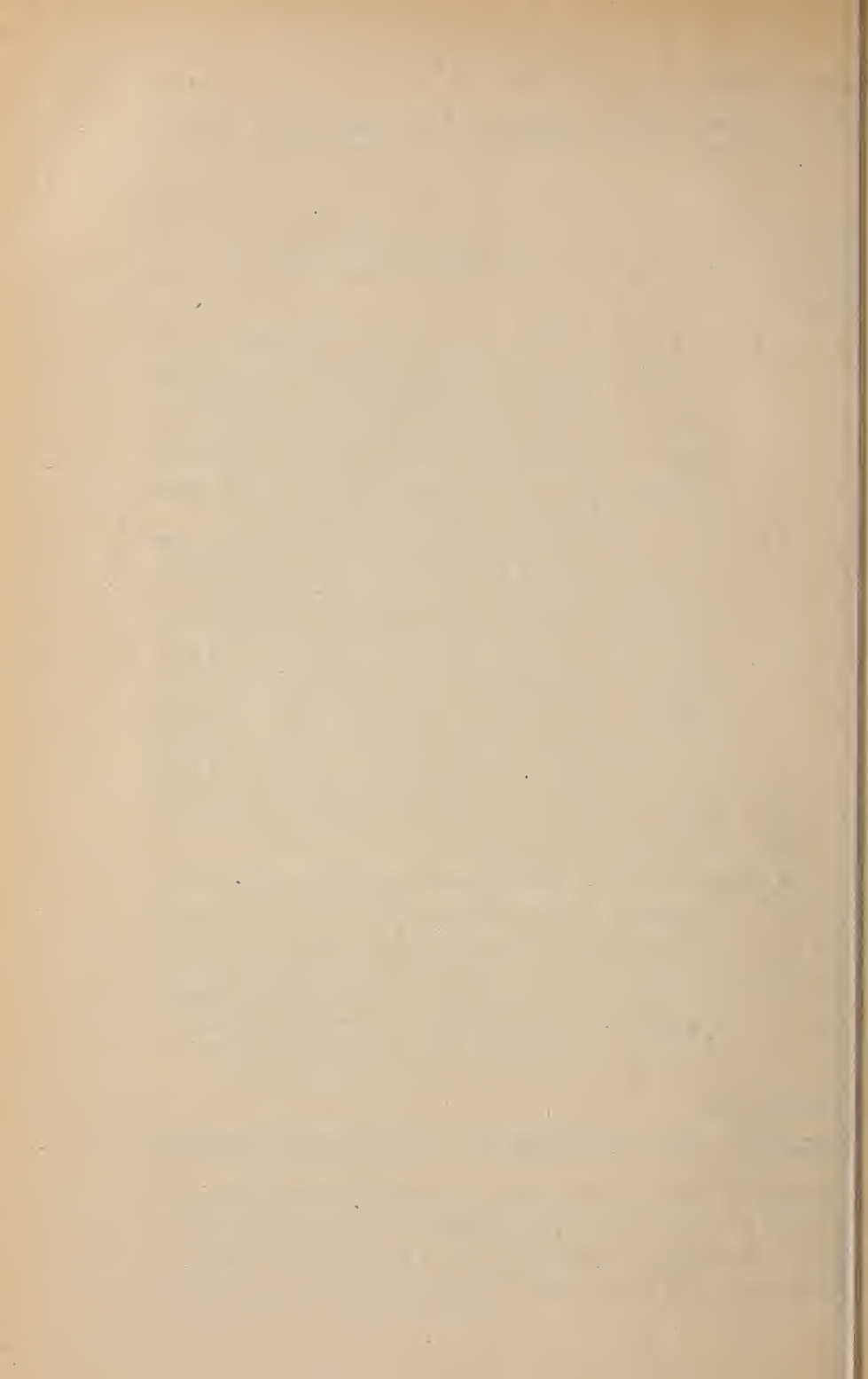
Upon receipt of the docket and record from the Presiding Officer, including the report and recommended order of the Presiding Officer, the Regional Administrator shall proceed as follows:

1. If the Presiding Officer recommends a dismissal of the proceeding and the Regional Administrator agrees to such recommendation, the Regional Administrator shall request the Regional Attorney to prepare an order of dismissal for the signature of the Regional Administrator, and the procedure shall be the same as that set forth in Section 7600, paragraph 1.
2. If, however, the Regional Administrator does not agree with the Presiding Officer in the recommendation of the latter to dismiss the proceeding, the Regional Administrator shall request the Regional Attorney to prepare a suspension order and such proposed suspension order, together with a memorandum by the Regional Administrator stating his reasons in support thereof, shall, together with the record and the Presiding Officer's report, be forwarded to the Chief of the Compliance Branch in Washington, where the papers shall be routed in the manner stated in Section 7500, paragraph 2.
3. If the Presiding Officer recommends the issuance of a suspension order and the Regional Administrator does not agree with such recommendation, the same procedure should be followed as that prescribed in paragraph 2, above, except that the Regional Administrator shall have the Regional Attorney prepare a dismissal order instead of a suspension order.

## Section 9400

### ISSUANCE AND SERVICE OF SUSPENSION ORDER

Where the Secretary does not adopt for signature and issuance the proposed order of either the Presiding Officer or Regional Administrator, he will refer the docket to the Office of the Solicitor with a request for the preparation of a suspension



order or such other document as may be required to effectuate the disposition of the proceeding in the manner determined by him.

All orders issued by the Secretary shall be served in the manner provided for the service of statements of charges, as previously set forth herein, upon the parties and such other persons as may be specified (see Section 7200). However, only suspension orders shall be published in the Federal Register.

#### **Section 9500**

### **RECONSIDERATION**

The respondent may, within five days after a suspension order is served on him, apply in writing to the Secretary for reconsideration. The filing of such an application shall not stay the operation of the order, unless it is otherwise directed. Facts or arguments bearing on the merits of the policy embodied in the order or regulation violated will not be considered.

#### **Section 9600**

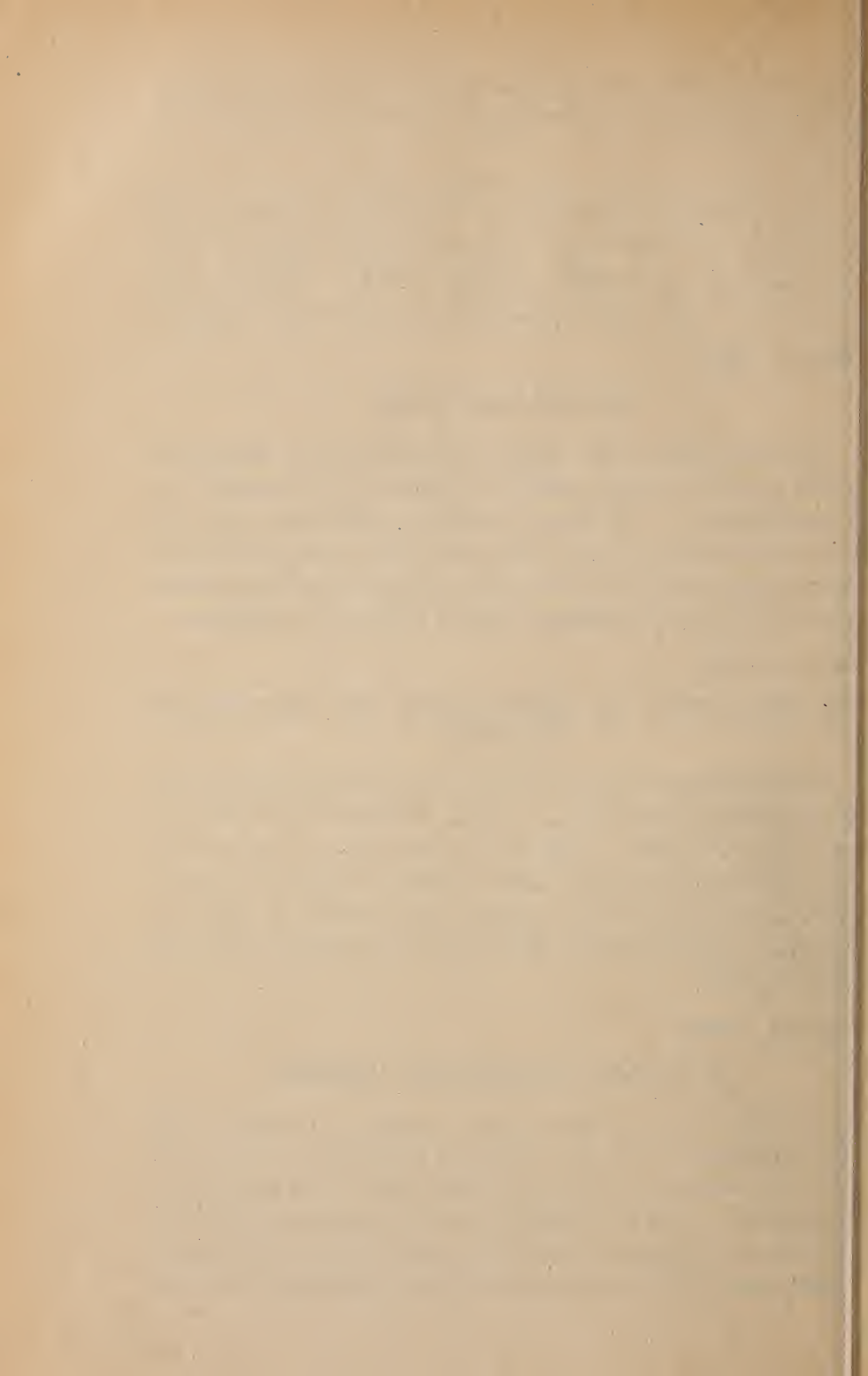
### **MODIFICATION OR REVOCATION OF SUSPENSION ORDERS**

The Secretary of Agriculture may, upon a determination that a suspension order tends to interfere with the maintenance of an adequate supply and efficient distribution of food to meet war and essential civilian needs, modify or revoke such order. This action may be taken upon his own initiative or upon application made by persons affected by the operation of the suspension order.

#### **Section 10000**

### **SUMMARY SUSPENSION ORDERS**

A. Upon the conviction of any person in a court of the United States on a charge of having violated any food order, the Secretary may, without previous notice to the party, issue a suspension order withholding from such person priorities and allocations assistance and prohibiting him from receiving, processing, using, delivering, or dealing in any material or product





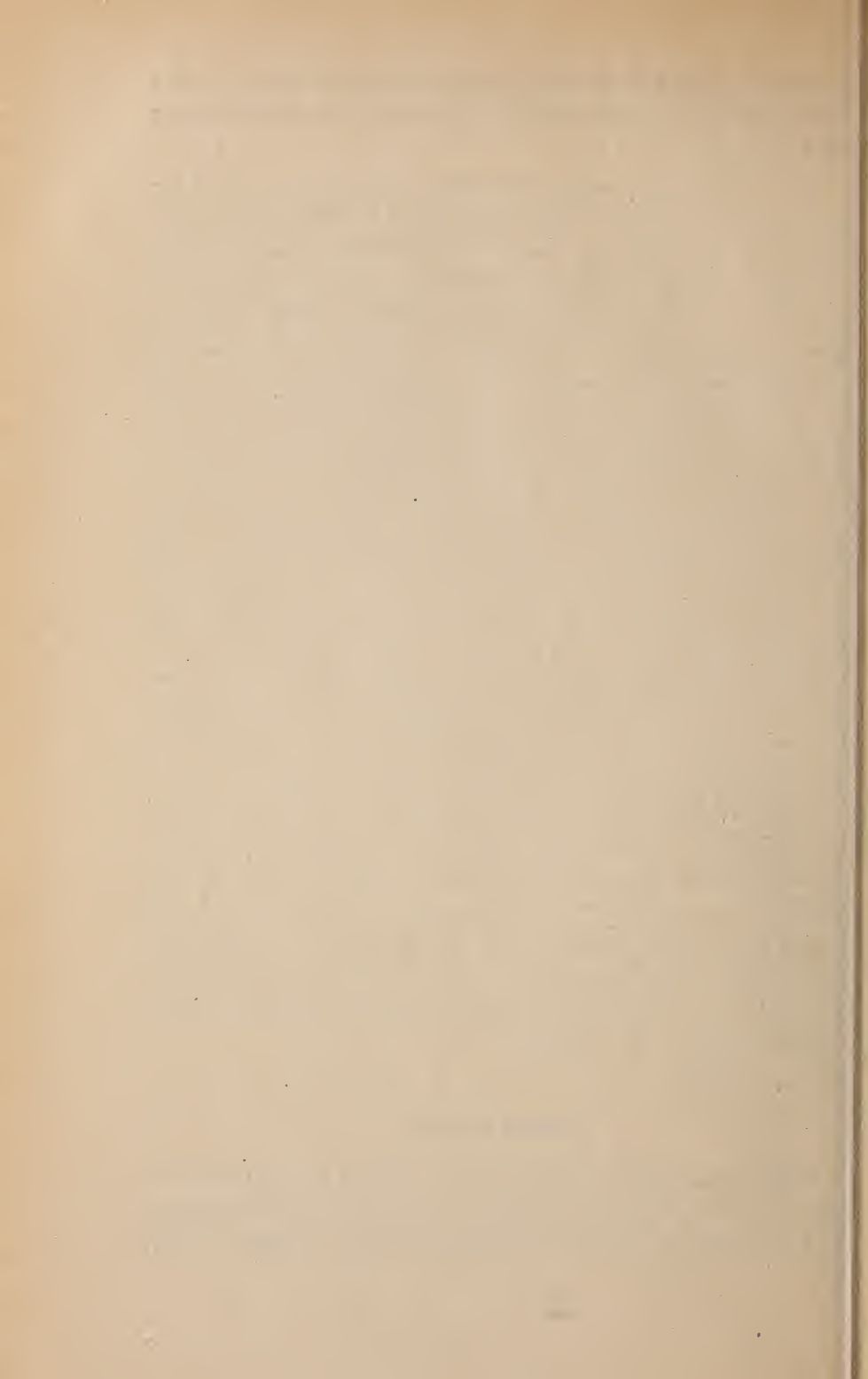
the supply, distribution, use, or producton of which is governed or limited by any food order administered by the Department of Agriculture.

B. An emergency suspension order, directing or ordering a person to refrain from certain operations or activities, may be issued by the Secretary when it is determined that such an order should issue for the purpose of preventing the diversion of foods from war and essential civilian needs pending the preparation and service of a statement of charges in the manner provided for in this manual. When facts indicating the need for the issuance of such an order come to the attention of the Regional Administrator, he shall immediately submit all of the facts indicative of the need of such action to the Chief of the Compliance Branch in Washington, with his recommendations for the issuance of an emergency suspension order. The Chief of the Compliance Branch shall, after consultation with the representatives of the Commodity Branch charged with the administration of the order or orders involved and the Office of the Solicitor, recommend the appropriate action to be taken to the Deputy Director responsible for order administration who shall, if the facts warrant such action, take the necessary steps to submit the matter to the Secretary. The issuance of an emergency suspension order will not be approved unless sufficient facts are submitted to determine whether scarce foods are being diverted from war and essential civilian needs. In no event will an emergency suspension order be issued when the invocation of the other available sanctions will give relief to the Government. These orders, as their name implies, are for use only in emergency situations where no other adequate remedy is available.

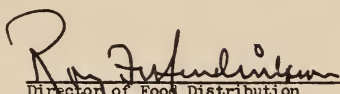
## **Section 11000**

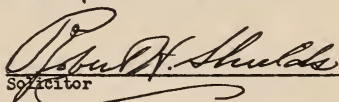
### **CONCLUSION**

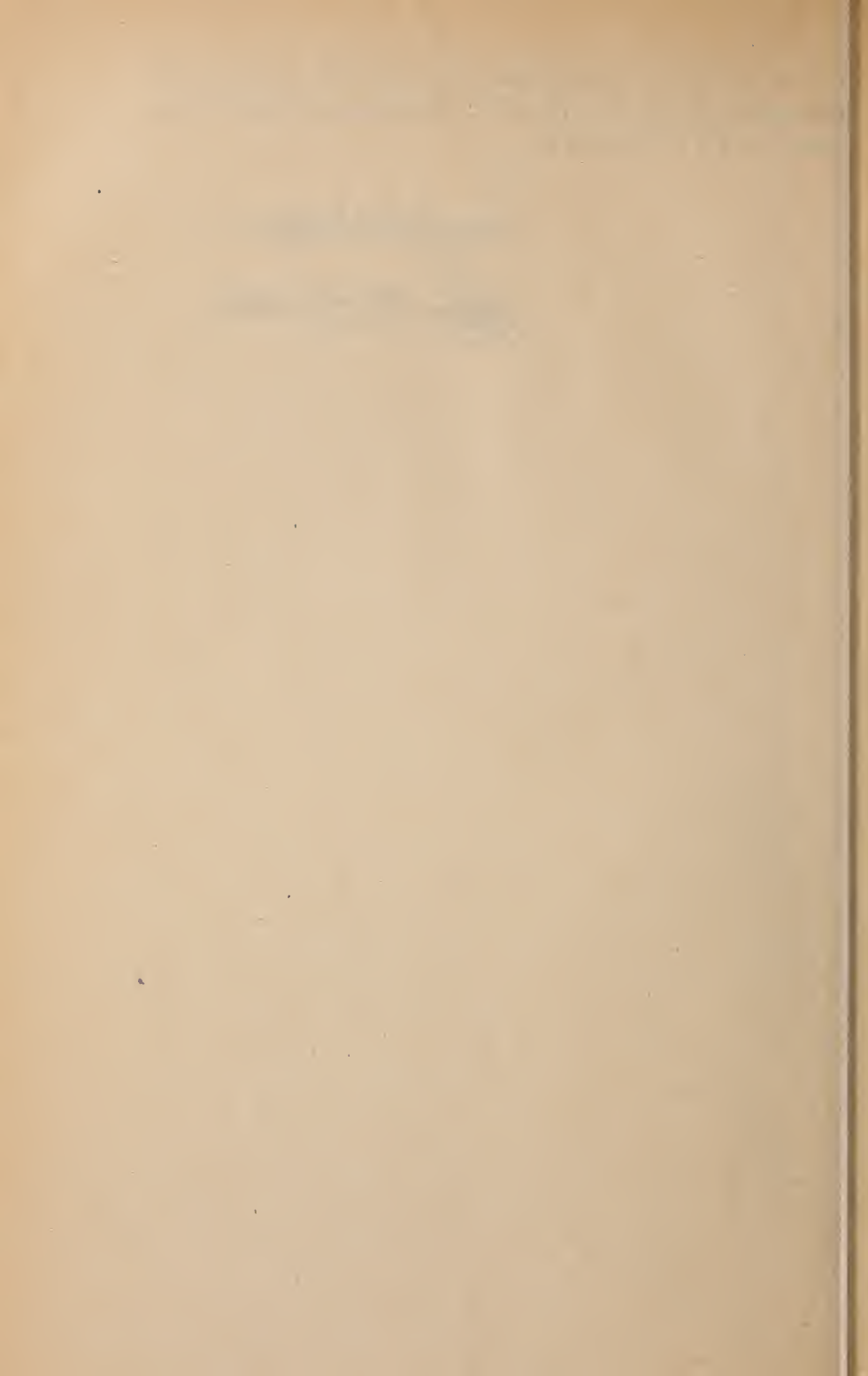
The instructions set forth in this manual are intended to serve as a guide in the application of the particular administrative and statutory sanctions described herein; and they should



not be considered as precluding recourse to the courts for the invocation of any and all other sanctions provided by any statute of the United States.

  
Director of Food Distribution

  
Solicitor



## APPENDIX A

(Copy of document appearing in 8 F. R. 3222)

### Title 7.—AGRICULTURE

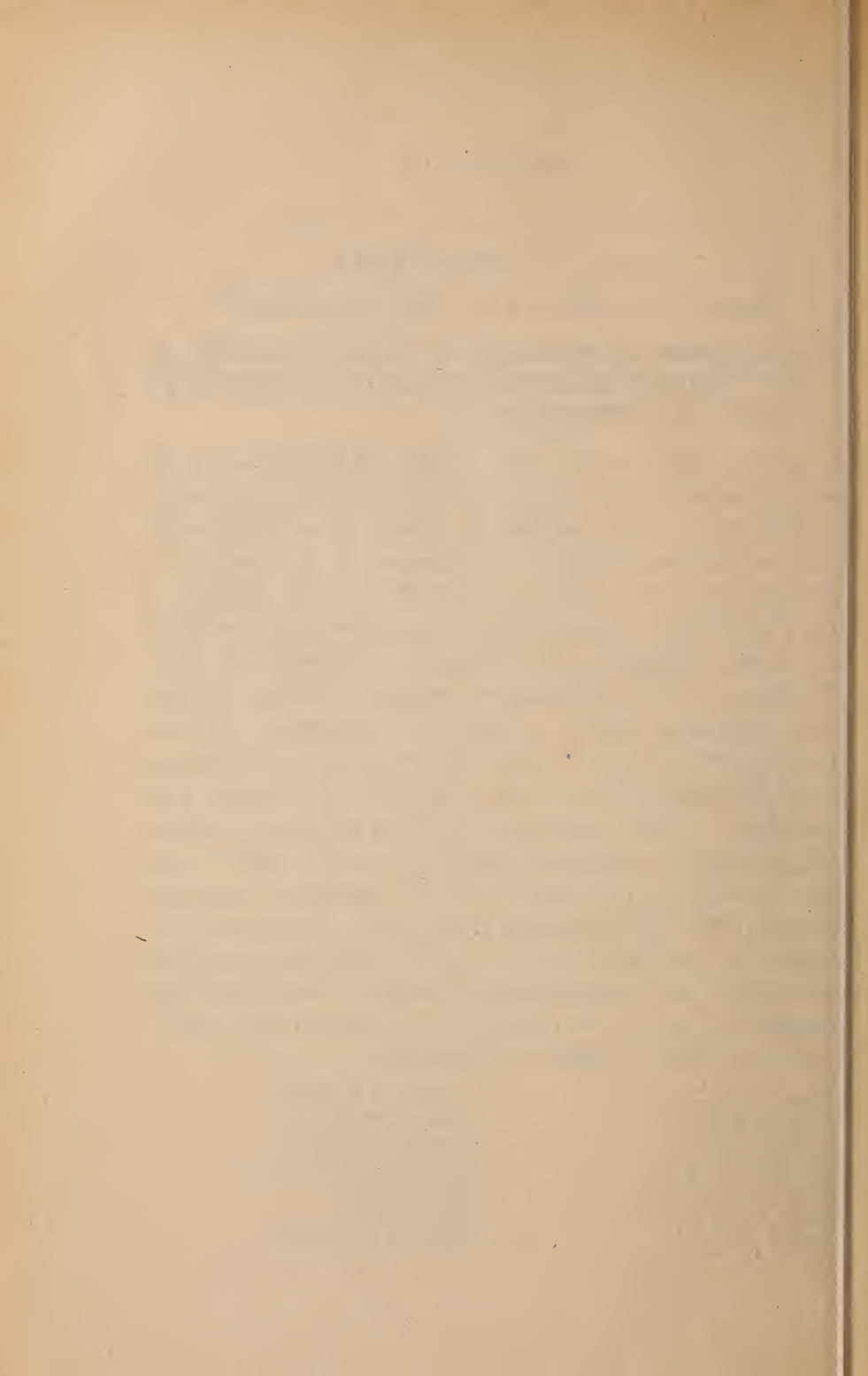
#### Subtitle A.—OFFICE OF THE SECRETARY

#### DESIGNATION OF PERSONS TO HOLD HEARINGS, TO SIGN AND ISSUE SUBPENAS, AND TO ADMINISTER OATHS OR AFFIRMATIONS

(A) In order to enable the Secretary of Agriculture to discharge his duties under any and all Statutes, Executive Orders, or Directives, or any regulations, directives, or orders issued pursuant thereto, which are administered in the Department of Agriculture, the persons in the Office of the Solicitor of the Department of Agriculture whose names are listed below are hereby designated and authorized, when assigned by the Solicitor, or by his designated representative, to act as examiners, presiding officers, or referees in connection with any hearings held under the said statutes, orders, or directives during the period from January 15, 1943, to June 30, 1945, inclusive. As such examiners, presiding officers, or referees, they are hereby authorized to conduct hearings under the said acts or orders in accordance with the applicable regulations and to perform all the duties and exercise all the powers including but not limited to the powers to administer oaths and affirmations and issue notices of hearings which, under such regulations, are to be performed or exercised by such examiners, presiding officers, and referees:

Allen, Cleve W.  
Anthony, Elijah  
Bagwell, John C.  
Ball, Jesse G., Jr.  
Baskette, Jesse E., Jr.  
Benda, Velda M.  
Bigelow, May T.

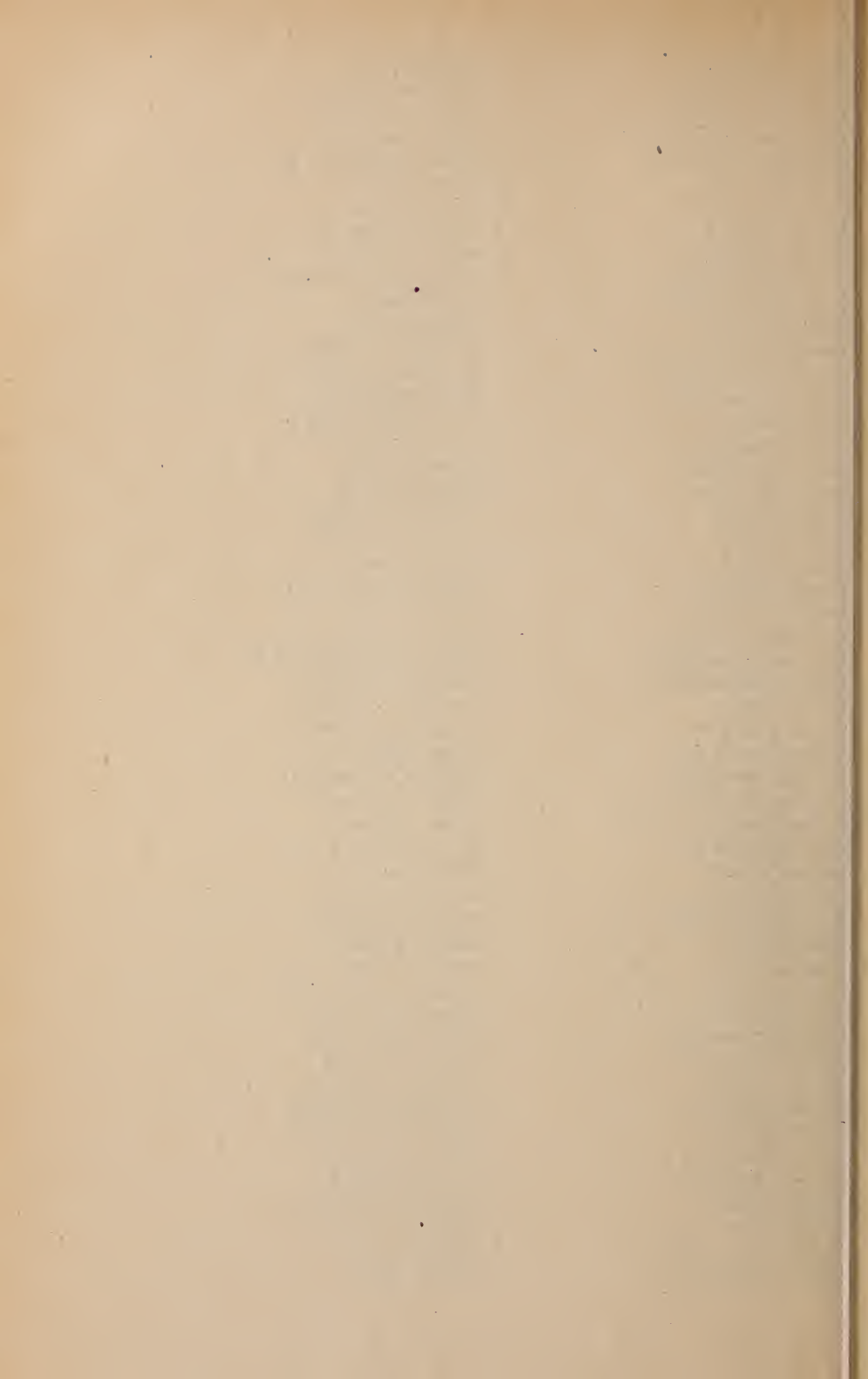
Blackburn, K. Wilde  
Bolding, William A.  
Bowyer, Ephraim P.  
Broderon, Charles E.  
Brody, Ralph M.  
Brooks, Neil  
Brothers, Charles S.





Brown, Alberta  
Brownell, Robert O.  
Bucy, Charles W.  
Burchard, Russell D.  
Campbell, Howard V.  
Camunas, Jose F.  
Carson, Leonard O.  
Carter, Joseph F.  
Casteel, Charles G.  
Catchings, Benjamin  
Chambers, Edward S.  
Chisholm, Dan P.  
Christian, Forest A.  
Clulow, Ernest E., Jr.  
Coffman, Claude T.  
Cook, Jesse L.  
Cooper, George E.  
Crane, Michael E.  
Crigler, Ilene M.  
Croak, John E.  
Curry, John H.  
Curry, John J.  
Dagger, Golden N.  
Dechant, Harry P.  
DeFrancq, Harry J.  
Denham, Raymond O.  
Dillman, Raymond L.  
Dillon, John J.  
Dimon, Philip W.  
Donahue, John E.  
Dorough, Robert P.  
Dowling, Grafton G., Jr.  
Doyle, James A.  
Edwards, Rufe D.  
Ehrlich, Sydney  
Farr, Jesse R.  
Farrell, William F.  
Faust, Fred J.  
Fike, Linus R.  
Firestone, L. J.  
Fischer, Russell P.  
Folkerth, Justin H.  
Foster, William J.  
Frank, M. Phillip  
French, Edwin S.  
French, Leland S.  
Gifford, Glen J.  
Girard, Clarence H.  
Goldman, Abe A.  
Griffin, John  
Gunnells, Charles W.  
Hadley, Albert D.

Hankes, F. H.  
Hankins, Morris C.  
Heggy, Donald R.  
Hilbun, Henry, Jr.  
Holstein, Benjamin M.  
Horn, Gilbert A.  
Hotchkiss, Elton C.  
Howard, Albert C.  
Hunter, W. Carroll  
Hyde, George Osmond  
Ise, Walter J.  
Jordan, Harold  
Kaseberg, John K.  
Kaufman, Morris H.  
Kelley, Charles Q.  
Kindel, Mrs. Emily A.  
King, LaBruce W.  
Knudson, J. K.  
Koebel, Ralph F.  
Koontz, Clarence J.  
Kratoska, Floyd R.  
Krouse, Allen J.  
Lamberton, Harry C.  
Manatt, Sam L.  
McCarthy, Richard F.  
McConnaughey, Robert K.  
McGregor, Thomas H.  
McIntire, John A.  
McNaught, Archibald  
Milby, Melville F.  
Mischler, Raymond J.  
Moffett, Coleman S.  
Moore, Wilson C.  
Moye, William S., Jr.  
Mullin, Lewis N.  
Murphy, Casper M.  
Murphy, Joseph T.  
Mynatt, Edward F.  
Neff, Abner R.  
Nicholson, Vincent D.  
Norberg, Everett C.  
Nutting, Charles B.  
O'Brien, Philip M.  
O'Donnell, James A.  
O'Mahony, William J.  
O'Rourke, C. Dennis  
Parker, Joseph O.  
Paul, Spurgeon E.  
Pearl, Francis M., Jr.  
Pearlman, Kathryn  
Pierson, Lee P.  
Platnik, Harry

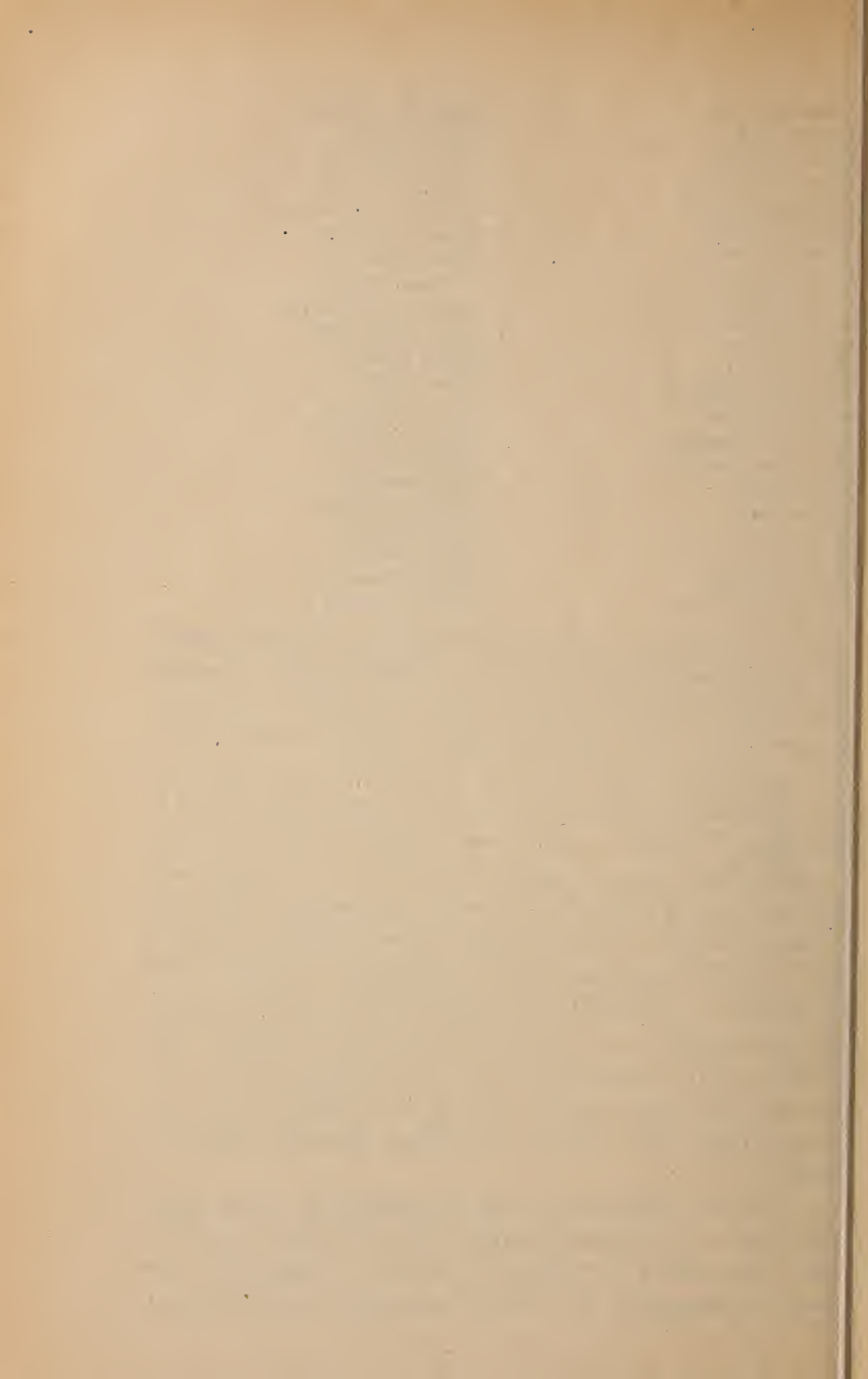


Poole, Marion E.  
Quillian, C. F.  
Regan, John W.  
Reid, Howard A.  
Robinson, Rogers N.  
Rooney, Howard  
Roulhac, James L.  
Rouss, Ruth  
Sachs, Sidney S.  
Scott, Elmer J.  
Sellers, Ashley  
Shaw, Earle L.  
Sherbondy, Donald J.  
Shields, Robert H.  
Shulman, Edward M.  
Slemmons, Warren R.  
Smith, Allan  
Smith, Karl J.  
Smith, Todd  
Spiegel, Morris D.  
Stewart, Cloyd L.  
Strange, Robert W.

Summers, Lionel M.  
Sussman, Gilbert  
Talbott, Thomas M.  
Tandy, William N.  
Therkelsen, Lotus C. J.  
Tremain, Rawleigh L.  
Tucker, Robert A.  
Van Hoy, John W.  
Van Matre, William W.  
Veeder, William H.  
Vesper, Frank F.  
Wales, Harry  
Wallace, Blaine B.  
Waters, Helen M.  
West, Linton B.  
White, Joseph H.  
Williams, Sidney D.  
Wilson, Clem B.  
Wise, William C.  
Zarky, Hilbert F.  
Zimowski, Joseph B.

(B) In connection with any investigation or hearing relating to the administration or enforcement of the priority, allocation, or rationing authority of the Secretary of Agriculture under Executive Order 9280, dated December 5, 1942 (7 F. R. 10179), or any statute or order referred to therein, or any regulation or order issued pursuant thereto, each of the persons listed in paragraph (A) above is authorized to sign and issue subpoenas requiring any person to appear and testify or to appear and produce books or records or any other documentary or physical evidence, or both. The authority conferred by this paragraph (B) upon the persons set forth in paragraph (A) hereof shall be exercised in conformity with the provisions of subparagraph (4) of paragraph (a) of Section 2 of the Act of June 28, 1940 (54 Stat. 676), as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.), and by Title III of the Second War Powers Act, 1942 (Pub. Law 507, 77th Cong., approved March 27, 1942).

(C) In the administration or enforcement of the priority, allocation, or rationing authority of the Secretary of Agriculture under any of the statutes or orders or regulations mentioned in paragraph (B) hereof, any person employed as an



inspector or investigator by, or performing inspection or investigative functions for, the Department of Agriculture is designated and authorized to administer oaths and affirmations for the purpose of procuring or receiving from any person a sworn statement concerning any matter under or appropriate for investigation.

(D) This designation supersedes the designation dated January 22, 1943, appearing in 8 F. R. 1082, and the designation dated January 21, 1943, effective January 22, 1943, appearing in 8 F. R. 1087.

(5 U. S. C. 1940 ed. 22)

Done at Washington, D. C., this 13th day of March, 1943.  
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

/s/ CLAUDE R. WICKARD,  
*Secretary of Agriculture.*

NOTE.—The persons designated to hold hearings and to issue investigatory subpoenas, mentioned in the foregoing document, are stationed in the offices of the local representatives of the Office of the Solicitor set forth in Appendix B and in the Office of the Solicitor in Washington, D. C.





## APPENDIX B

### NAMES AND ADDRESSES OF LOCAL REPRESENTATIVES OF THE OFFICE OF THE SOLICITOR

Mr. Sydney Ehrlich, Principal Attorney

Office of the Solicitor, U. S. D. A.  
6th Floor, Faller Building,  
Cincinnati, Ohio

Mr. William F. Farrell, Regional Atty.

Office of the Solicitor, U. S. D. A.  
401 Construction Building,  
Dallas, Texas

Mr. Charles E. Brodersen, Attorney  
Office of the Solicitor, U. S. D. A.  
106-108 Masonic Building,  
Amarillo, Texas

Mr. Casper M. Murphy, Regional Atty.

Office of the Solicitor, U. S. D. A.  
831 Fourteenth Street,  
Denver, Colorado

Mr. Edwin S. French, Senior Attorney  
Office of the Solicitor, U. S. D. A.  
218 Post Office Bldg., P. O. Box  
#1310  
Albuquerque, New Mexico

Mr. Charles S. Brothers, Senior Atty.  
Office of the Solicitor, U. S. D. A.  
Post Office Building,  
Missoula, Montana

Mr. Francis M. Pearl, Jr., Assoc. Atty.

Office of the Solicitor, U. S. D. A.  
Central Building,  
Wichita, Kansas

Mr. Willson C. Moore, Principal Atty.  
Office of the Solicitor, U. S. D. A.  
411 Inter-Island Building,  
Honolulu, Hawaii

Mr. Clarence J. Koontz, Regional Atty.

Office of the Solicitor, U. S. D. A.  
342 Massachusetts Avenue,  
Indianapolis, Indiana

Mr. Robert K. McConnaughey, Assoc. Sol.

Office of the Solicitor, U. S. D. A.  
211 West 14th Street  
Kansas City, Missouri

Mr. Dan P. Chisholm, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
1126 Donaghey Building,  
Little Rock, Arkansas

Mr. James L. Roulhac, Assoc. Atty.  
Office of the Solicitor, U. S. D. A.  
% Emergency Crop & Feed Loan  
Office  
Old Commercial Appeal Building  
Memphis, Tennessee

Mr. James A. Doyle, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
13th and N Streets,  
Lincoln, Nebraska

Mr. Spurgeon E. Paul, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
528 Federal Building,  
Milwaukee, Wisconsin

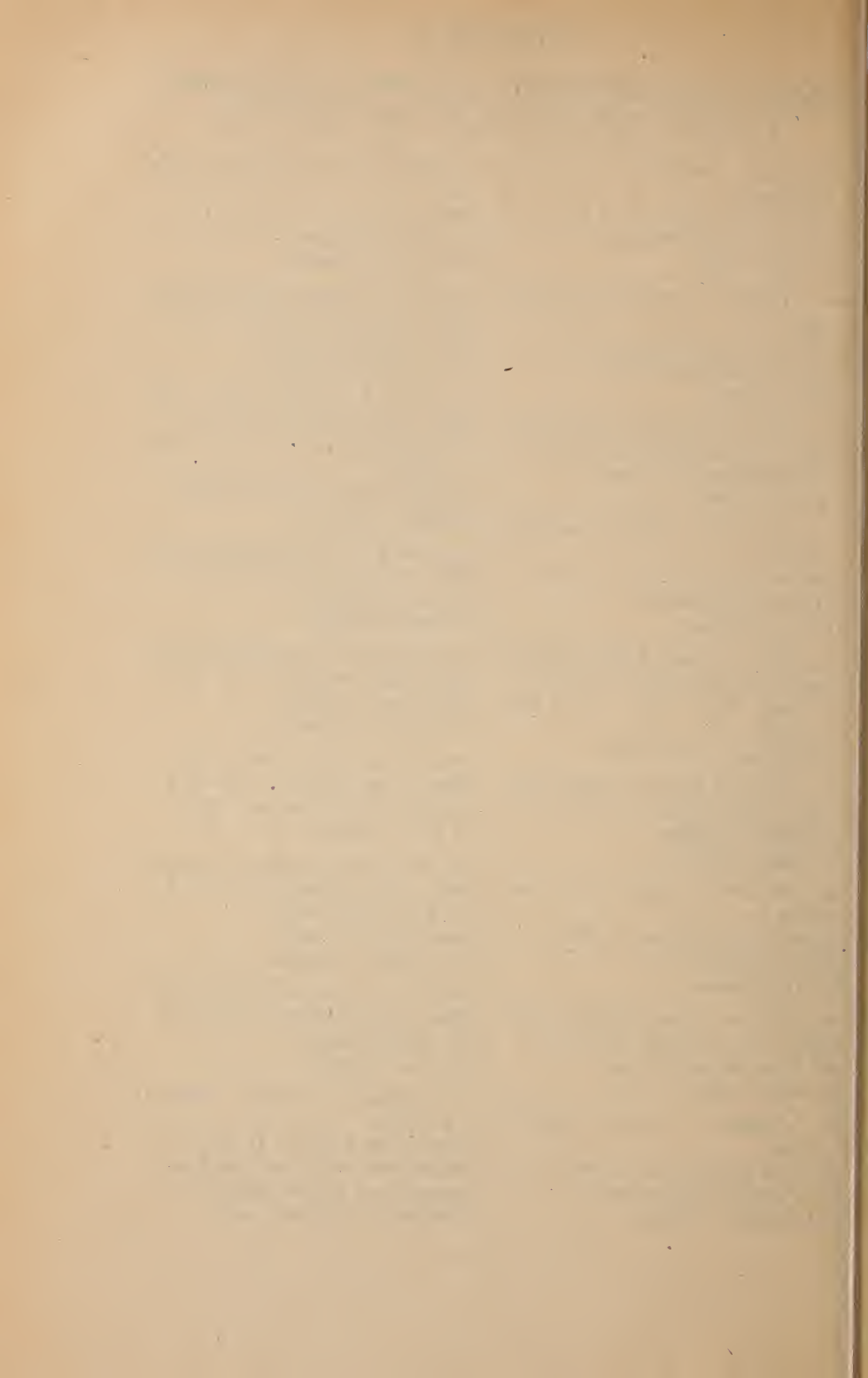
Mr. John E. Croak, Assoc. Atty.  
Office of the Solicitor, U. S. D. A.  
Northern Pacific Railway Bldg.,  
St. Paul, Minnesota

Mr. Todd Smith, Regional Attorney  
Office of the Solicitor, U. S. D. A.  
4th Floor, East Wing,  
Farm Security Bldg.,  
Montgomery, Alabama

Mr. Linton B. West, Principal Atty.  
Office of the Solicitor, U. S. D. A.  
711 Glenn Building,  
Atlanta, Georgia

Mr. Leonard O. Carson, Regional Attorney

Office of the Solicitor, U. S. D. A.  
632 Bankers Securities Building,  
Juniper and Walnut Streets,  
Philadelphia, Pennsylvania.



Mr. John J. Dillon, Assoc. Atty.  
Office of the Solicitor, U. S. D. A.  
Farm Credit Building,  
St. Paul and Twenty-fourth Streets,  
Baltimore, Maryland

Mr. James A. O'Donnell, Senior  
Atty.  
Office of the Solicitor, U. S. D. A.  
150 Broadway,  
New York, New York

Mr. Gilbert Sussman, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
327 Terminal Sales Building,  
Portland, Oregon

Elmer J. Scott, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
Raleigh, North Carolina

Mr. William S. Moye, Jr., Assoc.  
Atty.  
Office of the Solicitor, U. S. D. A.  
Old Dispensary Building,  
Gervais Street,  
Columbia, South Carolina

Mr. Harry P. Dechant, Regional  
Atty.  
Office of the Solicitor, U. S. D. A.  
548 Phelan Building,  
San Francisco, California

Mr. Abner R. Neff, Senior Attorney  
315 West Ninth Street,  
% Guayule Emergency Rubber  
Project,  
Los Angeles, California

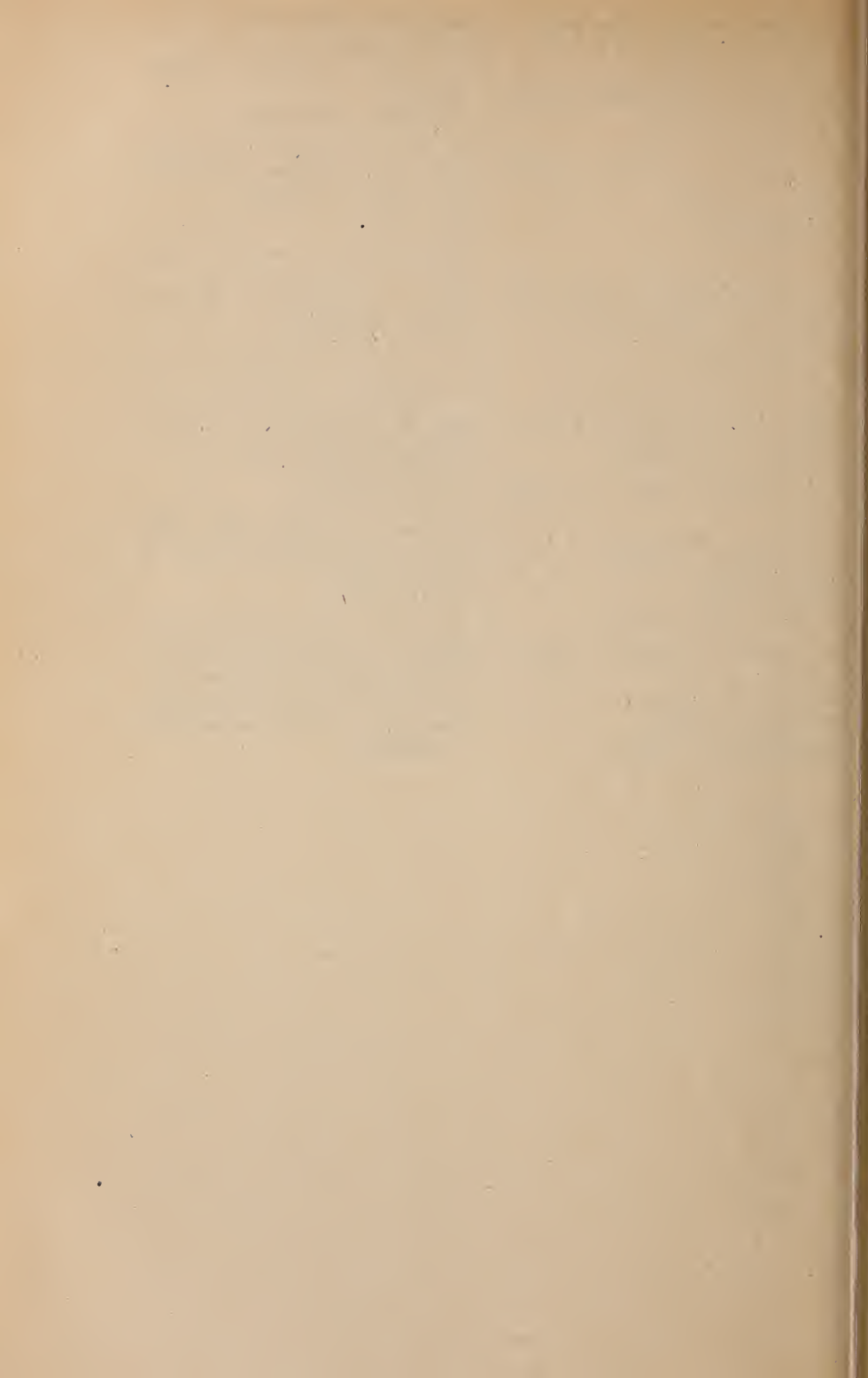
Mr. Thomas M. Talbott, Senior Atty.  
Office of the Solicitor, U. S. D. A.  
Forest Service Building,  
Ogden, Utah

Mr. Edward S. Chambers, Assoc.  
Atty.  
Office of the Solicitor, U. S. D. A.  
Salisbury Building,  
Salt Lake City, Utah

Mr. Harry C. Lamberton, Acting  
Assoc. Sol.  
Office of the Solicitor, U. S. D. A.  
Boatman's Bank Building,  
420 Locust Street,  
St. Louis, Missouri

Mr. Paul E. Stafford, Assoc. Atty.  
Office of the Solicitor, U. S. D. A.  
315 Pine Street,  
St. Louis, Missouri

Mr. Linus R. Fike, Regional Atty.  
Office of the Solicitor, U. S. D. A.  
% Farm Security Administration  
Box #2988, San Juan, Puerto Rico  
Telegrams to: 29-31 Comercio St.  
San Juan



APPENDIX C

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE  
FOOD DISTRIBUTION ADMINISTRATION

DOCKET-----{Eliminate if not used  
                  {in docketed proceeding.

SUBPOENA DUCES TECUM

To.....  
.....

You are hereby required to appear before.....

.....  
at .....  
in the city of....., State of.....  
on the.....day of....., 194., at.....  
o'clock ..... m., WT, of that day, to testify as a witness in the  
above-entitled matter pending before the Secretary of Agriculture,  
and you are hereby required to bring with you and  
produce at said time and place the following books, papers,  
letters, or other documentary evidence:

.....  
.....  
.....  
.....

Fail not at your peril.

Witness my hand at.....,  
....., this .....  
day of....., 194..

.....  
(Name and title)

Acting pursuant to authority delegated to and by the Secretary of Agriculture under Title III of the Second War Powers Act (Pub. Law No. 507, 77th Cong.); E. O. 9280, 7 F. R. 10179; 8 F. R. 3222.

..... of  
.....  
is hereby designated to serve the within  
subpoena.

.....  
(Name and title)

### RETURN OF SERVICE

I HEREBY CERTIFY that a duplicate original  
of the within subpoena was duly served (a)  
in person, (b) by registered mail, (c) by leav-  
ing a copy at the principal office or place of  
business, to-wit:

.....  
(Strike out methods not employed)  
on the person named herein on the....., 194..

.....  
I CERTIFY that the person named herein was  
in attendance as a witness and produced the  
documentary evidence within required herein,  
at

.....  
on .....  
.....  
(Name and title)



APPENDIX D

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE  
FOOD DISTRIBUTION ADMINISTRATION

DOCKET-----{Eliminate if not used  
in docketed proceeding.

SUBPOENA

To.....

You are required to appear before.....

at.....

in the city of ....., State of .....,

on the.....day of....., 194..., at.... o'clock

.....m., WT, of that day, to testify as a witness in the above-

entitled matter pending before the Secretary of Agriculture.

Fail not at your peril.

Witness my hand at.....,

....., this.....

day of....., 194..

.....  
(Name and title)

Acting pursuant to authority dele-  
gated to and by the Secretary of  
Agriculture under Title III of the  
Second War Powers Act (Pub. Law  
No. 507, 77th Cong.); E. O. 9280,  
7 F. R. 10179; 8 F. R. 3222.

..... of  
.....  
is hereby designated to serve the within  
subpoena.  
.....  
(Name and title)

**RETURN OF SERVICE**

I Hereby certify that a duplicate original  
of the within subpoena was duly served (a)  
in person, (b) by registered mail, (d) by leav-  
ing a copy at the principal office or place of  
business, to-wit:

.....  
(Strike out methods not employed)  
on the person named herein on the.....  
day of ....., 194..

.....  
I certify that the person named herein was  
in attendance as a witness as required herein,  
at .....  
.....  
on .....  
.....  
(Name and title)

**APPENDIX E**  
**WARNING LETTER**

....., 1943.

Dear.....:

An.....  
(Investigation)

.....  
(Investigation and hearing) (Investigation, answer, and hearing) (has) (have)  
revealed that you have violated .....  
(Fill in name of order)

by .....  
(State nature of violation as specifically and concisely as possible.)

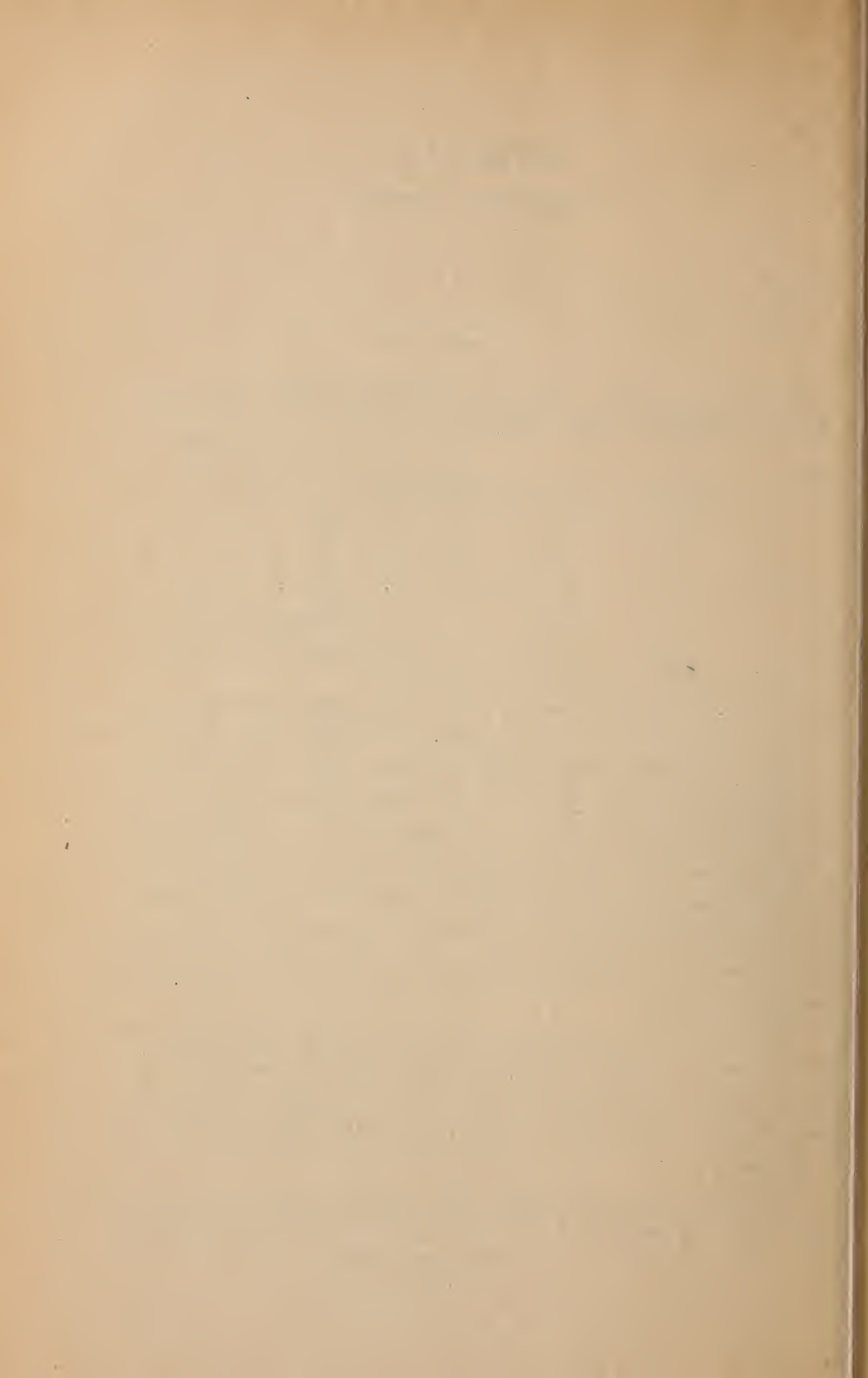
The.....  
(Fill in nature of order; e. g.,

..... comprises an important  
conservation and distribution of cocoa beans)

contribution to this country's war effort and, therefore, the order must be strictly complied with. Violators are subject to orders withholding from them priorities and allocations assistance and prohibiting them from receiving, processing, using, delivering, or dealing in any material or product, the supply, distribution, use, or production of which is governed or limited by any order administered by the Department of Agriculture; and criminal penalties of \$10,000 or imprisonment, or both, may result from violations; and civil sanctions may be imposed against violators.

This letter is intended as a warning that this Department is determined to require strict compliance with its wartime regulations, and to caution you that steps will be taken to prosecute any further violations on your part to the limit allowed by the law.

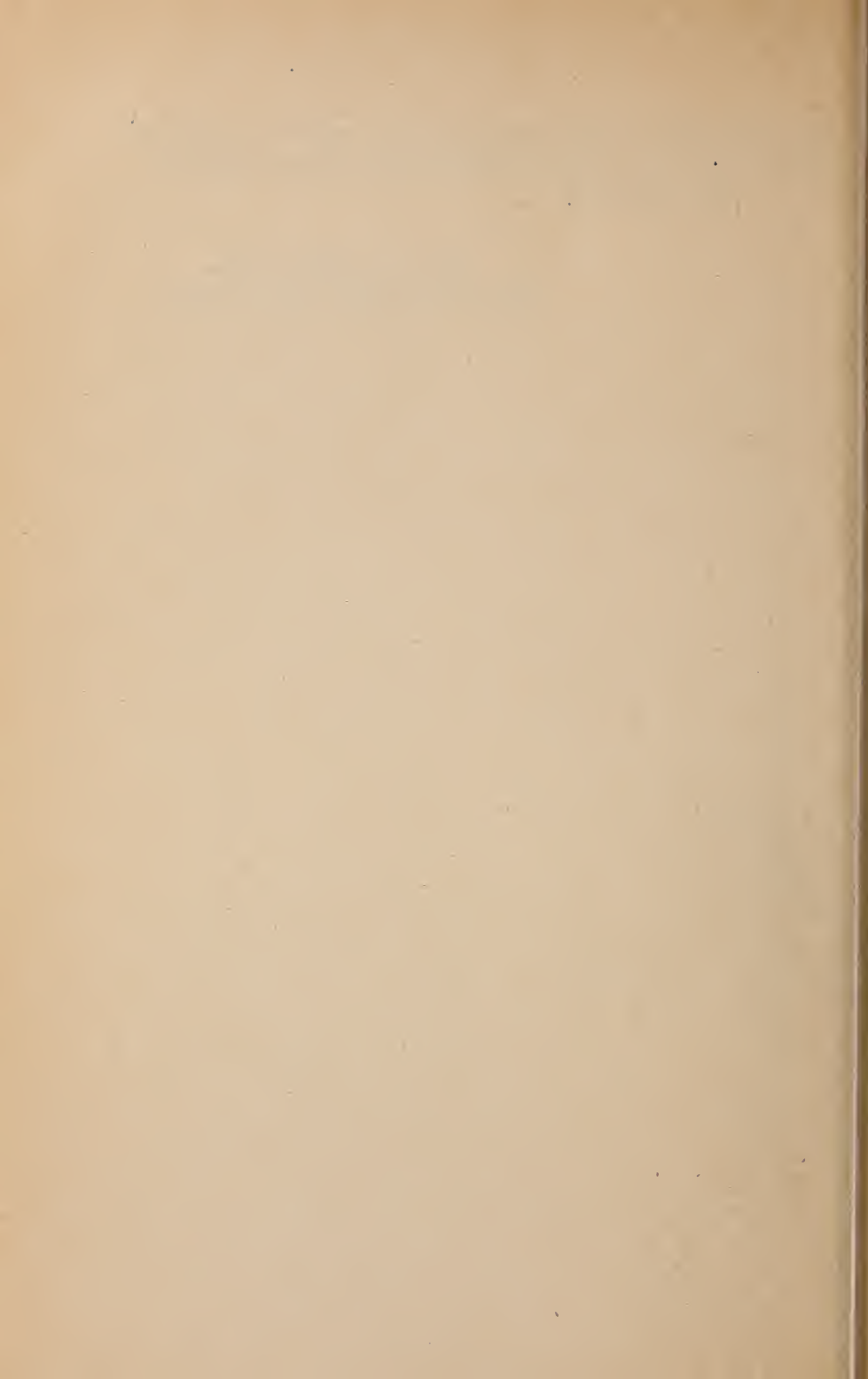
Nothing contained in this letter shall be taken to condone the above violations of ..... or to preclude  
(Fill in name of order)



this Department from prosecuting the violations mentioned above in the future if such prosecution is deemed advisable.

Very truly yours,

.....,  
*Regional Administrator*  
*Food Distribution Administration.*





## APPENDIX F

### LIST OF LOCAL OFFICERS OF THE ANTITRUST DIVISION, DEPARTMENT OF JUSTICE

Edmond J. Ford, Special Assistant  
to the Attorney General  
805 Shawmut Bank Bldg., 82 Devon-  
shire Street  
Boston, Massachusetts

Daniel B. Britt, Special Assistant to  
the Attorney General  
Suite 820, 208 South La Salle Street  
Chicago, Illinois

Horace L. Flurry, Special Attorney  
1024 Allen Building  
Dallas, Texas

James McL. Henderson, Special As-  
sistant to the Attorney General  
427 First National Bank Building  
Denver, Colorado

Gerald A. Herrick, Special Attorney  
Suite 820, Federal Building  
Detroit, Michigan

Sheridan Morgan, Special Assistant  
to the Attorney General  
818 Scarritt Building  
Kansas City, Missouri

James E. Harrington, Special As-  
sistant to the Attorney General  
1602 U. S. Post Office & Court House  
Los Angeles, California

Herbert A. Berman, Special Assist-  
ant to the Attorney General  
559 Industrial Building, 1060 Broad  
Street  
Newark, New Jersey

Victor O. Waters, Special Assistant  
to the Attorney General  
616 Carondelet Building  
New Orleans, Louisiana

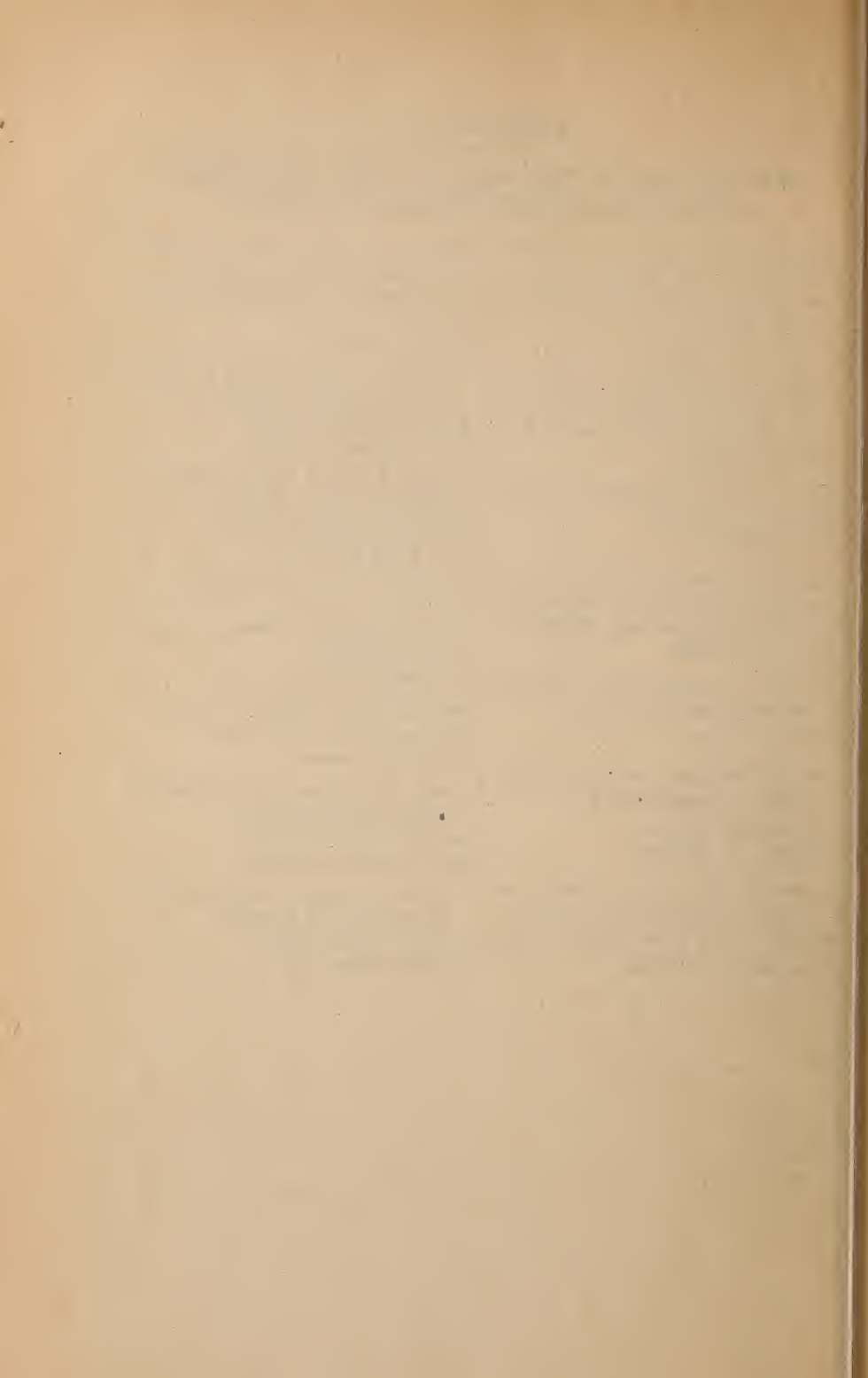
Samuel S. Isseks, Special Assistant  
to the Attorney General  
Eighth Floor, 225 Broadway  
New York, New York

John B. Brumbelow, Special At-  
torney  
1311 Pennsylvania Bldg., 15th &  
Chestnut Sts.  
Philadelphia, Pennsylvania

John J. Ruddy, Special Attorney  
519 New Federal Building  
St. Louis, Missouri

Pierce W. Bradley, Special Assistant  
to the Attorney General  
422 Post Office Building  
San Francisco, California

Charles S. Burdell, Special Assistant  
to the Attorney General  
814 U. S. Court House  
Seattle, Washington



## APPENDIX G

### UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE FOOD DISTRIBUTION ADMINISTRATION

*In the Matter of—* } STATEMENT OF CHARGES,  
..... } Docket.....

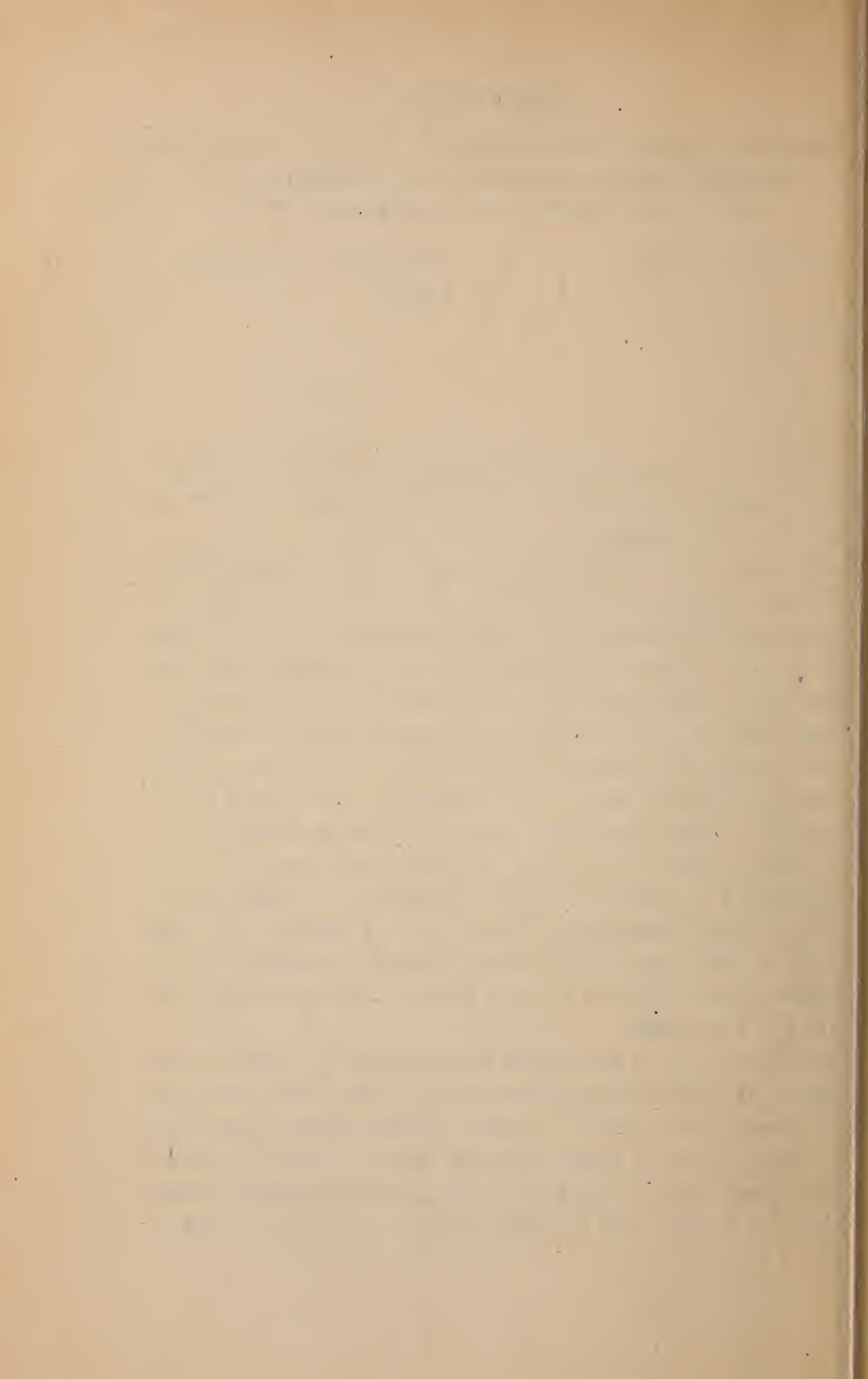
*To:*

.....  
.....  
.....

You are hereby given notice that you are charged with having violated the provisions of Food Distribution Order No. 25 in the following respects:

1. During the quota period January 1, 1943, through March 31, 1943, in your plant located in New York, New York, you processed 100,000 pounds of cocoa beans into cocoa products. The quota of cocoa beans which you were entitled to process during the quota period January 1, 1943–March 31, 1943, based upon 60% of the total amount of cocoa beans processed by you during the corresponding period of 1941, was 90,000 pounds of cocoa beans. Your action in processing 10,000 pounds of cocoa beans into cocoa products in excess of your quota during the quota period January 1, 1943–March 31, 1943, constitutes a violation of Food Distribution Order No. 25, issued by the Secretary of Agriculture on February 27, 1943 (8 F. R. 2529), and Director Food Distribution Order No. 25.1, issued by the Director of Food Distribution on February 27, 1943 (8 F. R. 2530).

2. During the quota period from January 1, 1943, through March 31, 1943, in your plant located in New York, New York, you used 780 pounds of material produced from cocoa beans for the purpose of coating novelty items consisting of candy Easter eggs, and for the purpose of applying chocolate decorations by a spray gun to candy pieces. The aforesaid use by



you of material produced from cocoa beans is prohibited by, and constitutes a violation of, Food Distribution Order No. 25, issued by the Secretary of Agriculture on February 27, 1943 (8 F. R. 2529).

You are hereby further notified that you must, within 5 days after receipt of this statement, answer the charges herein contained by filing a written answer with the Regional Administrator, Food Distribution Administration .....

(Insert address of

..... Ref: Docket .....

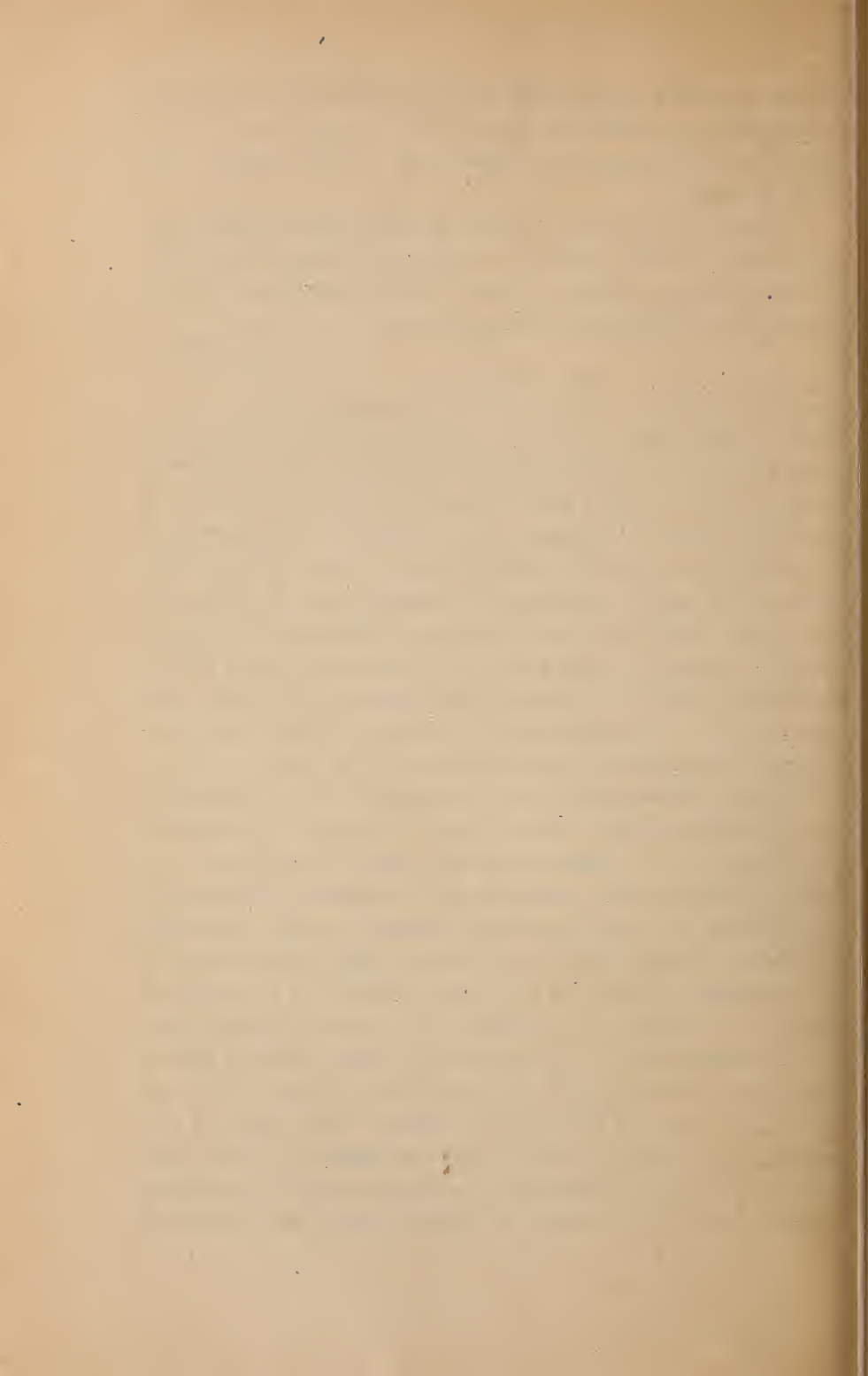
Regional Administrator)

(Insert Docket Number)

Such answer must contain a precise statement of facts constituting each of your grounds of defense and must specifically admit, deny, or explain each of the allegations of fact contained in this statement of charges, unless you are without knowledge, in which case you shall so state in your answer. If you desire to be heard orally concerning the charges set forth above, you must also, within 5 days after receipt of this statement, make a written request for such a hearing. An answer and a request to be heard will be considered to have been made within 5 days after receipt of this statement of charges if such answer and request for hearing are postmarked on the last day for filing.

You are further notified that the purpose of this proceeding is to determine whether, based upon the charges contained in this statement, a suspension order should issue against you withholding from you priorities and allocations assistance and prohibiting you from receiving, processing, using, delivering, or dealing in any material or product, supply, distribution, use, or production of which is governed or limited by any order issued by the Secretary of Agriculture, or any other person whom he has designated to issue an order, for such period of time as may be deemed appropriate in the public interest and to conserve a supply, and effectuate an efficient distribution, of such products and commodities for war and essential civilian uses.

You are further notified that a failure by you to file an answer within 5 days after receipt of this statement shall constitute

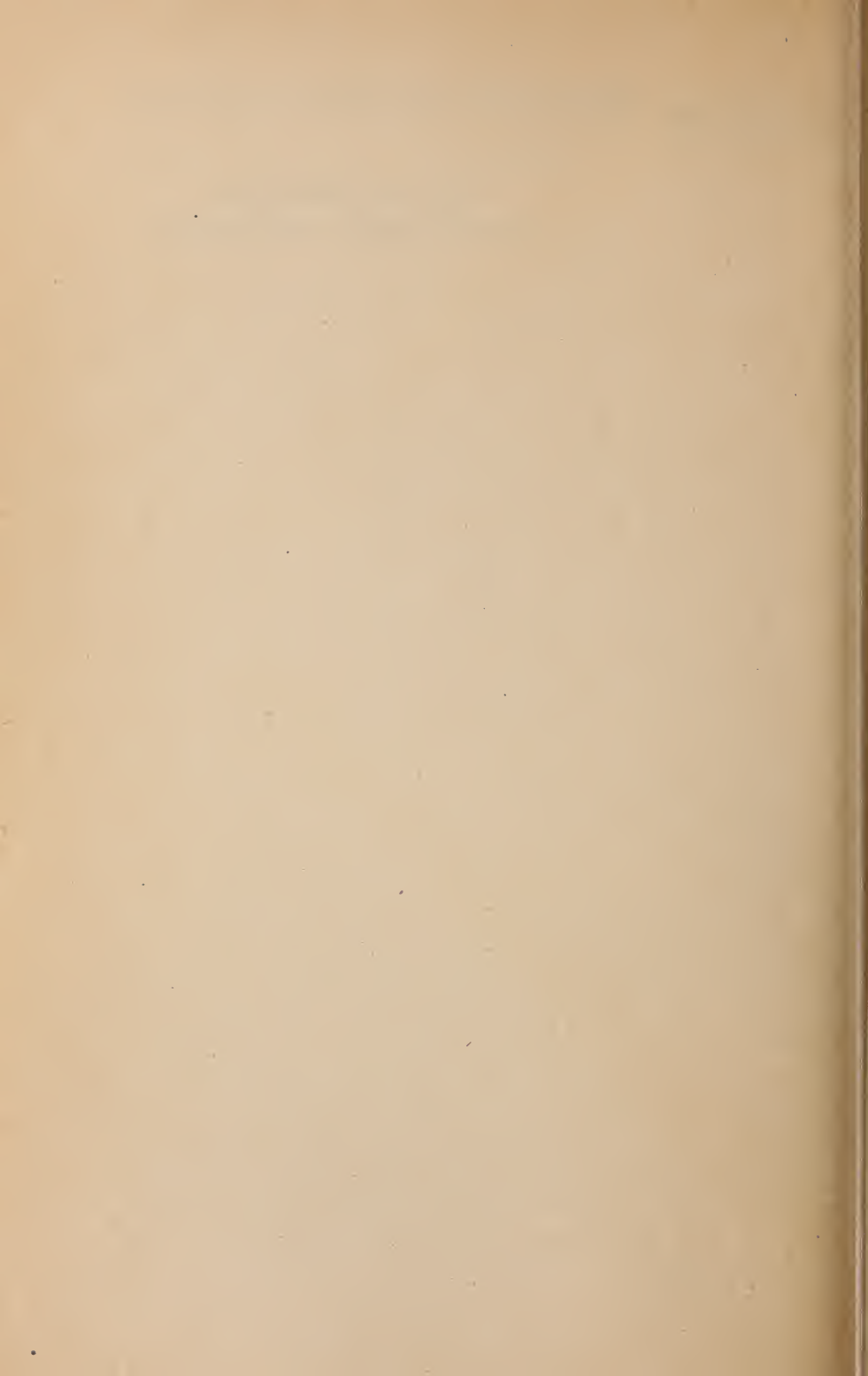




a waiver of any objection to the taking of such action as may be appropriate.

.....,

*Regional Administrator,  
Food Distribution Administration.*



## APPENDIX H

(To Accompany a Statement of Charges)

### STATEMENT OF PROCEDURE

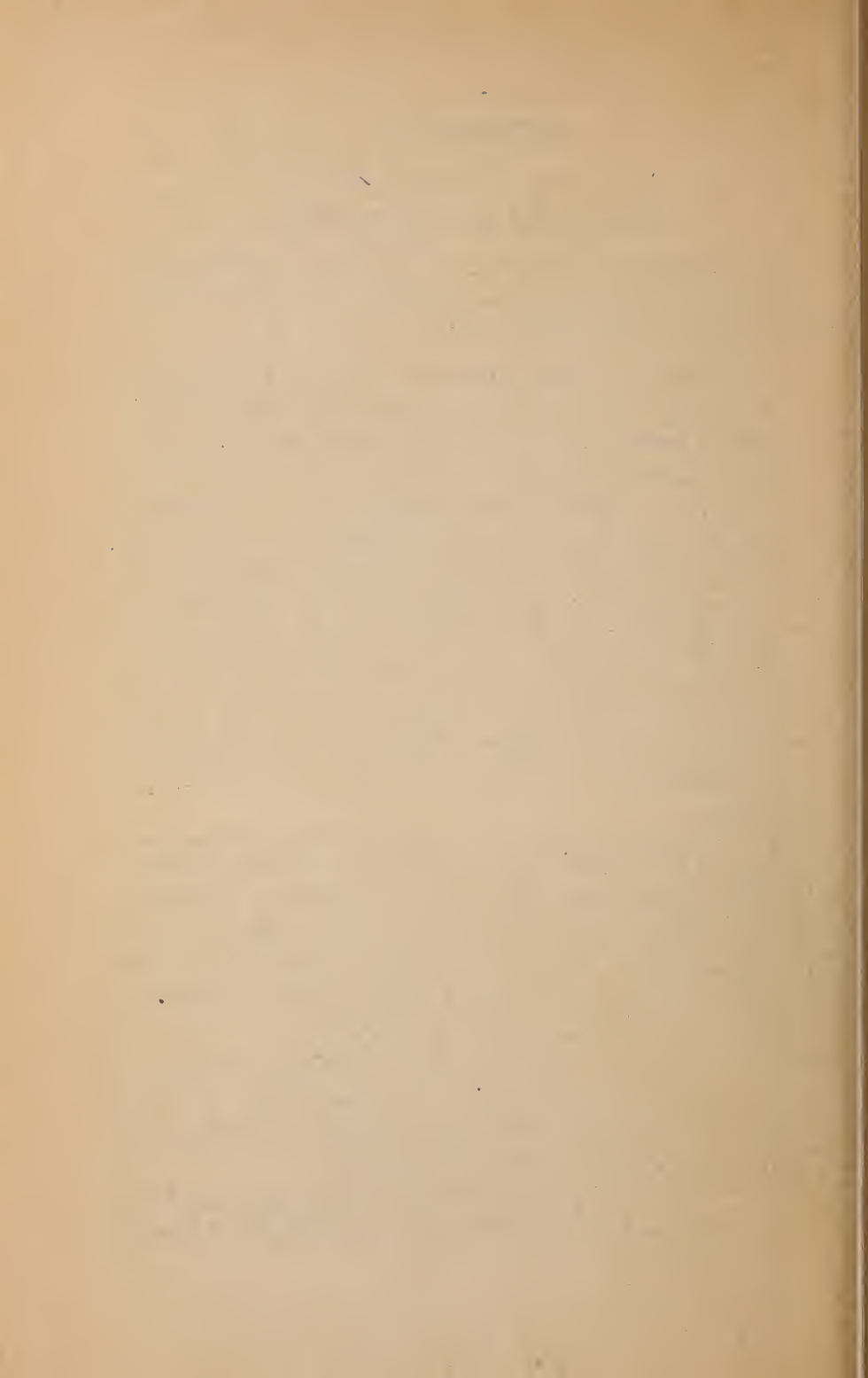
If a hearing is requested by you, as provided in the Statement of Charges accompanying this document, such hearing will be governed by the following procedure:

You will be notified of the time and place of the hearing. The place of hearing will be as near your place of business or residence as can be conveniently arranged; however, the determination of the place of hearing will be within the discretion of the presiding officer. At the hearing you may present data and information in support of the facts alleged in your answer and in contravention of the allegations of facts contained in the Statement of Charges personally, or by counsel or other representative of your own choosing. In the event that you fail to appear at the hearing, the Secretary of Agriculture, or such person as he may designate, may take such action as may be appropriate, including the issuance of a suspension order.

The presiding officer shall preside at the hearing, administer oaths and affirmations, and rule on motions, requests, and on the admission and exclusion of evidence. The hearing shall be conducted by the presiding officer in such manner as will permit you to present evidence to the fullest extent compatible with fair and expeditious determination of the issues raised. To this end:

(a) The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy, and probative force of evidence offered.

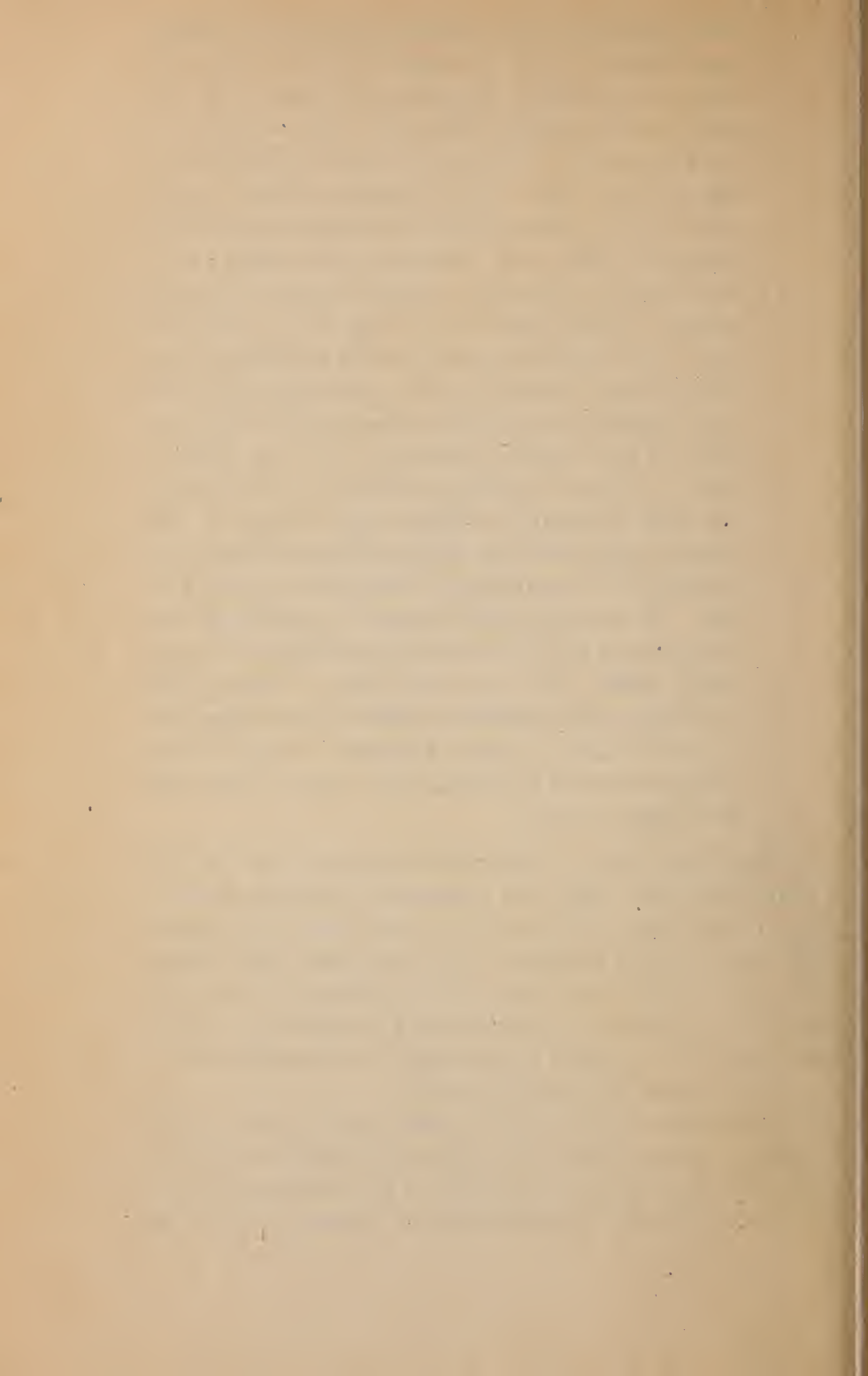
(b) The presiding officer, having due regard for the need for expeditious decision, shall afford reason-



able opportunity for cross-examination of witnesses. Any witness may, at the discretion of the presiding officer, be examined separately and apart from all other witnesses except those who may be parties to the proceeding. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument or for a summary of the facts disclosed at the hearing and if he deems it advisable, may allow briefs to be filed within a period prescribed by him not to exceed 5 days. No written transcript of the hearing shall be made unless requested by you (in which event you must provide for the making thereof and for the payment of the expenses therefor) or by the Department. Where a transcript is made at your request, you shall furnish two legible copies thereof to the presiding officer without charge within such time after completion of the taking of testimony as he shall direct. No transcript shall be made or considered part of the record until approved and certified by the presiding officer. In the event that no stenographic transcript of the testimony is taken, the presiding officer shall make a written summary of the relevant evidence received at the hearing, a copy of which shall be furnished to you.

If, after the hearing, it is determined that you have violated a food distribution order, and a suspension order is issued, a copy of such order will be served on you and copies thereof will be sent to your suppliers if the suspension order affects them. If, on the other hand, after the hearing, it is determined that you have not violated such an order, an order of dismissal will be entered terminating the proceeding and a copy of such order will be served on you.

If a suspension order is issued against you as a result of this hearing, you may, within 5 days after service of the suspension order upon you, file with the Office of the Secretary of Agriculture a petition for reconsideration of the suspension order.

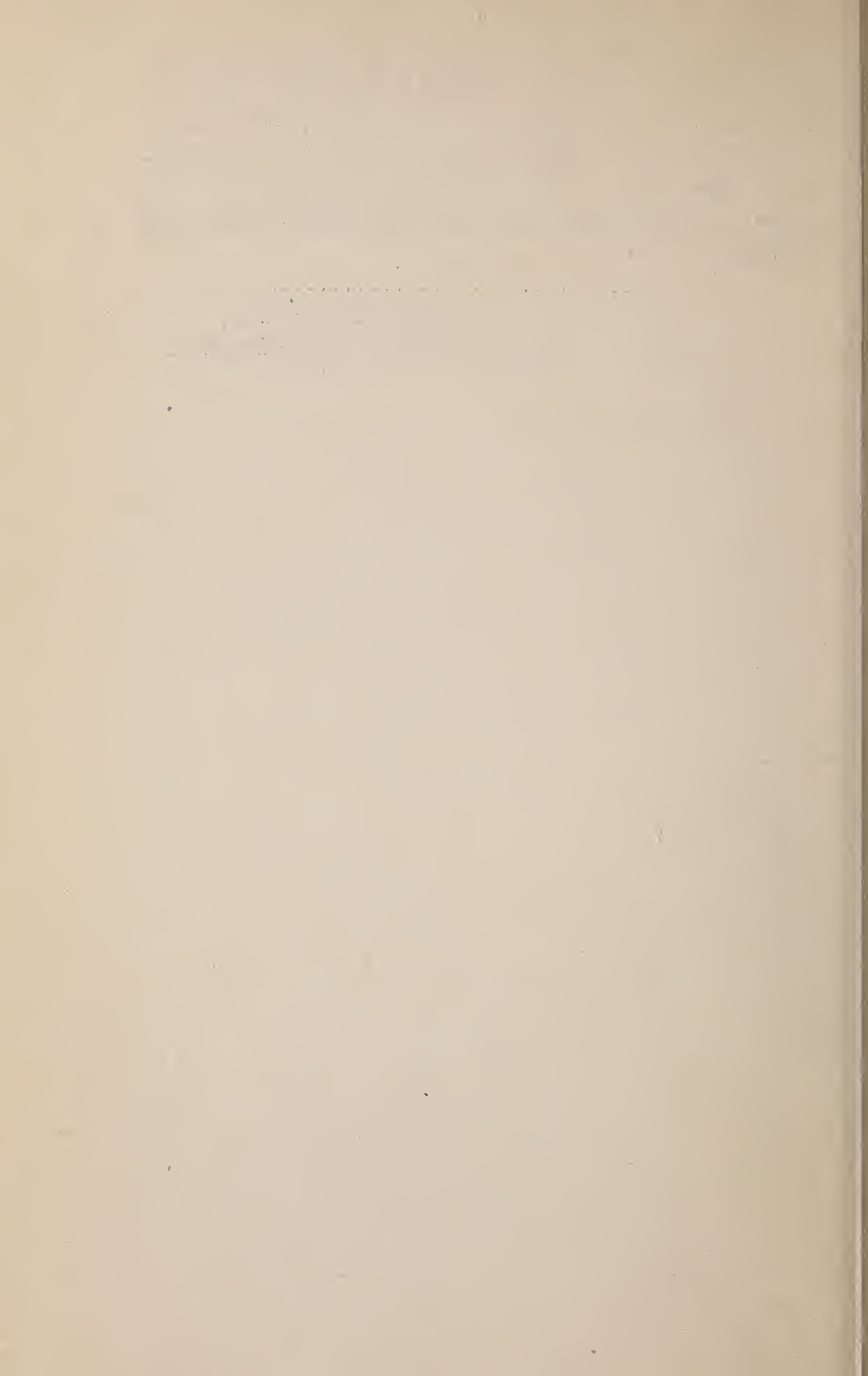




Such petition may be accompanied by any affidavits or briefs which you desire to submit. Within a reasonable time after filing such a request for reconsideration, the Secretary of Agriculture, shall affirm, modify, rescind, or stay the suspension order, or direct that a further hearing be held thereon. The decision of the Secretary of Agriculture shall be final and conclusive.

.....,

*Regional Administrator,  
Food Distribution Administration.*



## APPENDIX I

### UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE FOOD DISTRIBUTION ADMINISTRATION

In the Matter of— } Docket.....  
..... }

#### CERTIFICATE OF SERVICE

..... hereby certifies that—

1. I am over 18 years of age, and not a party to this proceeding.

2. I reside at .....

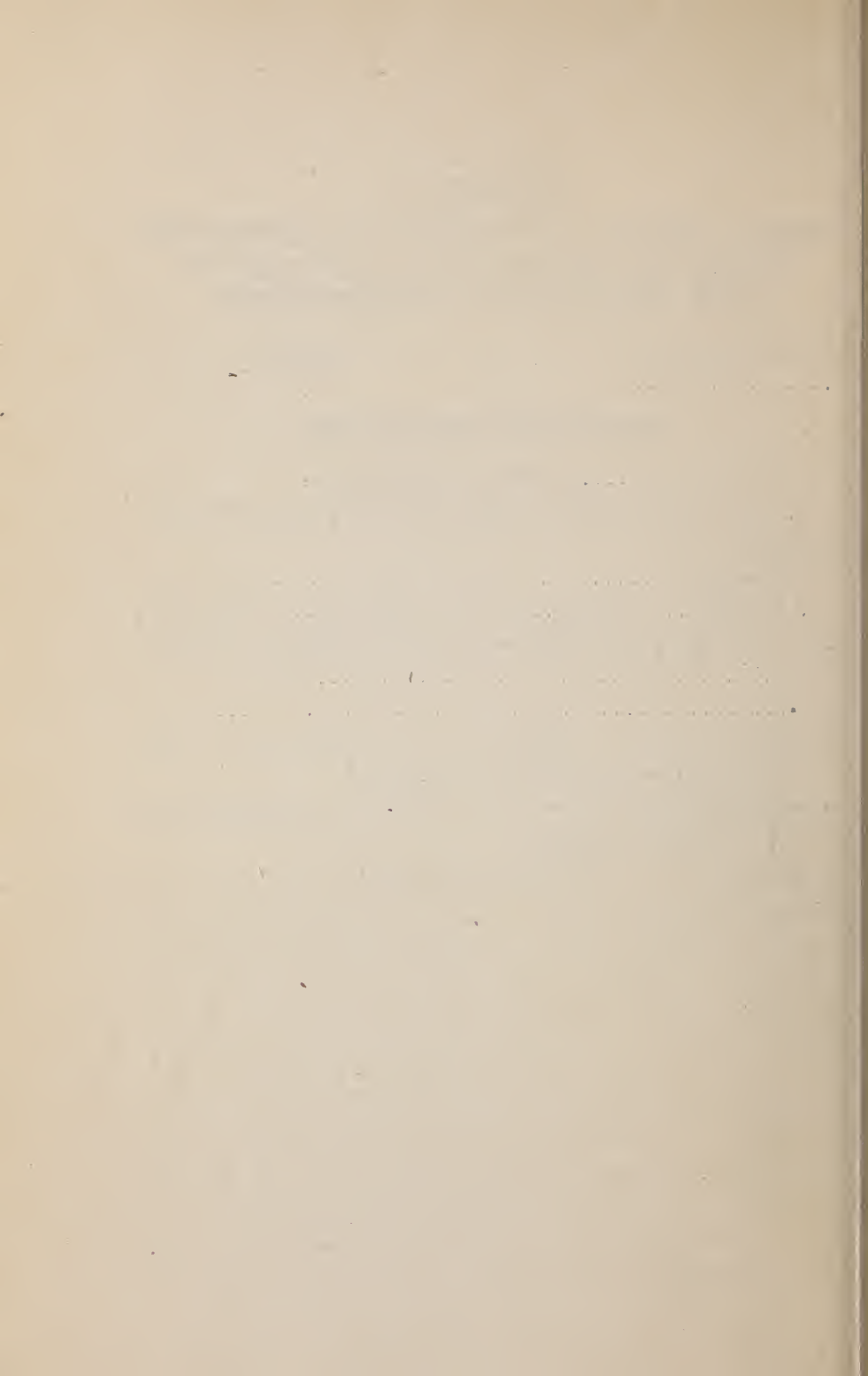
3. On the.....day of....., 194., at..... m., WT,  
the attached Notice of Hearing (or other document) addressed  
to .....

.....  
returnable on the.....day of....., 194., at....., m.,

WT, { was duly served by me on such person.  
duly mailed by me to such person and registered mail  
receipt is attached.

(Strike out the wrong phrase.)

.....



## APPENDIX J

(Form of Suspension Order)

### TITLE 7.—AGRICULTURE

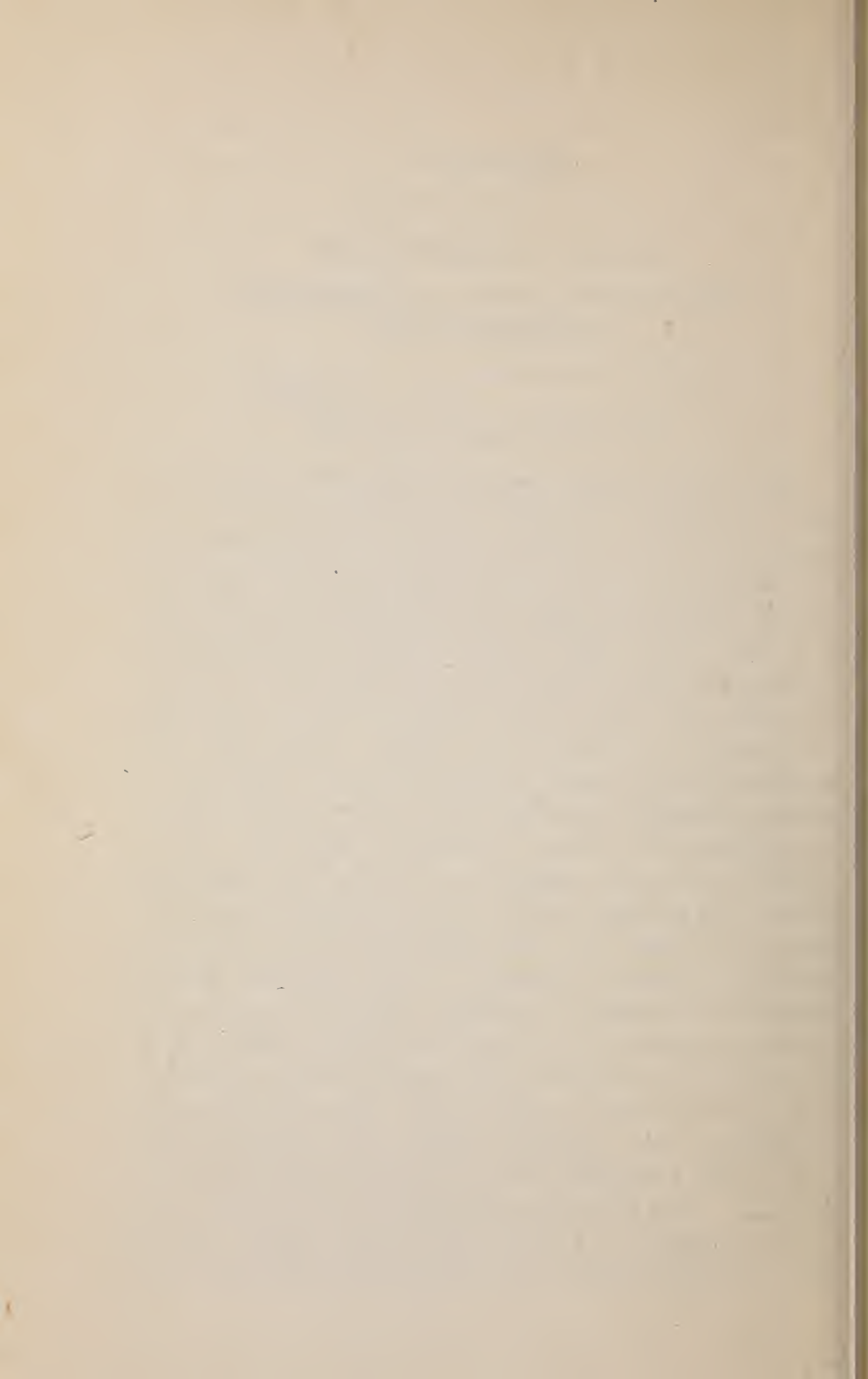
#### CHAPTER XI.—FOOD DISTRIBUTION ADMINISTRATION

[Suspension Order Docket -----]

(e. g., ----- FDA-NE-1)

#### Part 1590—Suspension Order

(Richard Roe), doing business as a (processor of cocoa beans and manufacturer of novelty candy items) at (000 ..... Street, New York), hereinafter referred to as respondent, was duly served with a Statement of Charges and Procedure advising him that he was charged with violations of (Food Distribution Order No. 25, issued by the Secretary of Agriculture on February 27, 1943 (8 F. R. 2529), and Director Food Distribution Order 25.1, issued by the Director of Food Distribution on February 27, 1943 (8 F. R. 2530)). (Insert here what actually occurred; that is, whether respondent merely filed an answer or whether respondent filed an answer with a request for a hearing and whether a hearing was held, etc. For example, the statement might be as follows: "The respondent failed to file an answer within the time specified in the Statement of Charges"; or "The respondent filed an answer but made no request for a hearing," or "The respondent filed an answer and a request for a hearing. Pursuant to said request a hearing was held in New York, New York, on April 15, 1943. Present at the hearing were the respondent and a representative of the Secretary of Agriculture. Data and information pertaining to the violations alleged were presented before (John Doe), a presiding officer authorized to conduct the said hearing"). The Secretary of Agriculture (or the name of the person designated by him for such purpose, together with his title) having considered all of the data and information per-





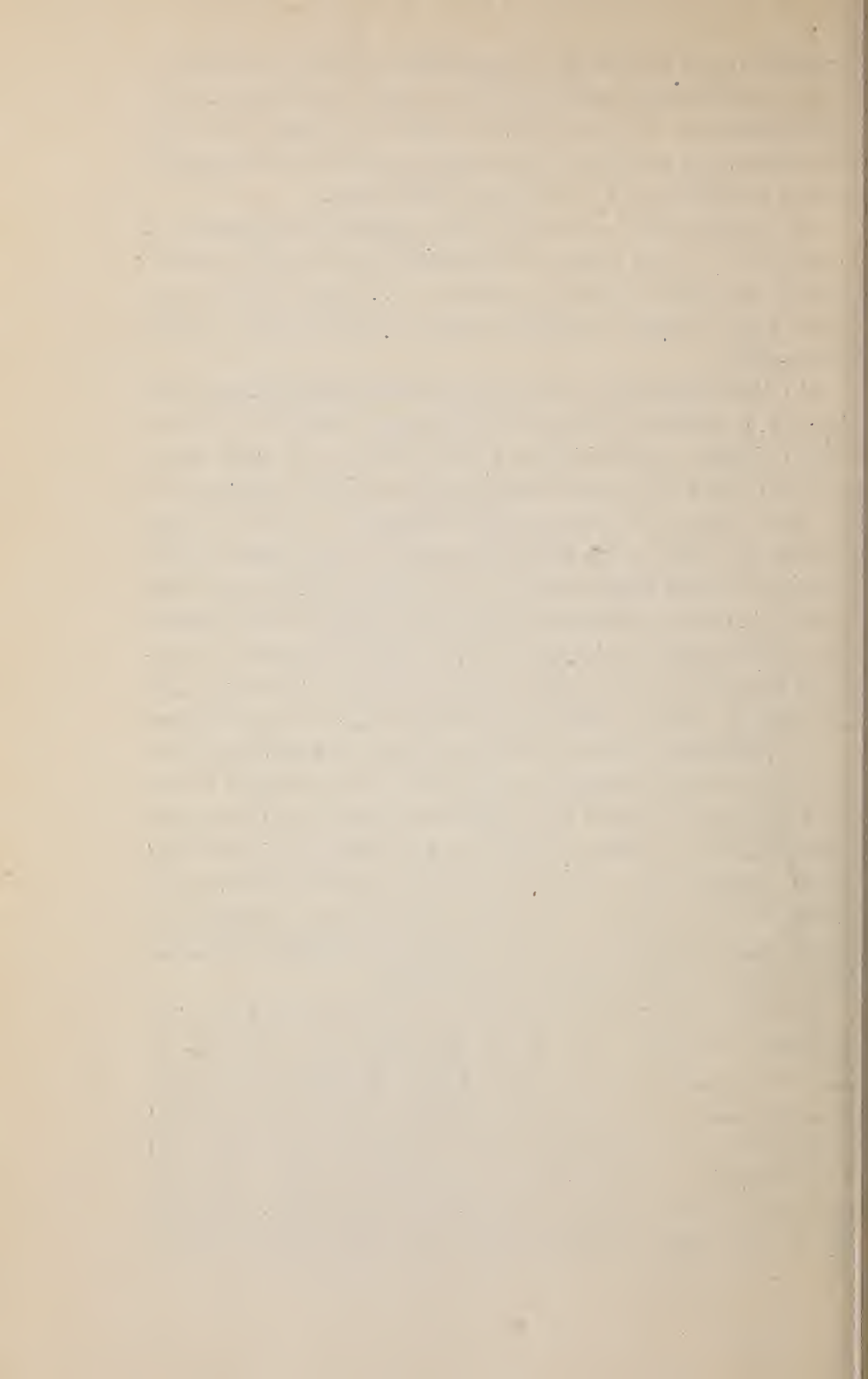
taining to the violations by respondent of the provisions of (Food Distribution Order 25 (8 F. R. 2529) and Director Food Distribution Order 25.1 (8 F. R. 2530)) (if respondent filed an answer, also insert here "and the answer filed by the respondent"), it is **HEREBY DETERMINED** That:

(a) Respondent is an individual engaged in business as a (processor of cocoa beans and manufacturer of candy novelty items) at a plant located at (000 ..... Street, New York, New York), under the trade name of (Richard Roe Candy Company).

(b) The respondent has violated (Food Distribution Order 25 (8 F. R. 2529) and Director Distribution Order 25.1 (8 F. R. 2530), issued, respectively, by the Secretary of Agriculture of the United States and the Director of Food Distribution) in that, during the quota period January 1, 1943, through March 31, 1943, in his aforesaid plant, he processed 100,000 pounds of cocoa beans into cocoa products, which was 10,000 pounds in excess of the cocoa beans the respondent was entitled to process during such quota period based upon 60% of the total amount of cocoa beans processed by him during the corresponding period of 1941 as provided in the aforesaid orders.

(c) Respondent has also violated (Food Distribution Order 25, issued by the Secretary of Agriculture of the United States on February 27, 1943 (8 F. R. 2529)) in that, during the quota period January 1, 1943, through March 31, 1943, in his aforesaid plant, he used 780 pounds of material produced from cocoa beans for the purpose of coating novelty items consisting of candy Easter eggs and for the purpose of applying chocolate decorations by a spray gun to candy pieces.

Because of the great scarcity of cocoa beans and the importance of having cocoa beans distributed in a manner to assure an adequate supply and efficient distribution of cocoa beans to meet war and essential civilian needs, the aforesaid violations by the respondent have impeded the war effort and have, therefore, been contrary to the public interest. Further, it appears to the Secretary of Agriculture that further violations by the respondent are likely unless appropriate action is taken.



It is THEREFORE ORDERED That:

§ 1590.1 *Suspension order against (Richard Roe).*

(a) During the period in which this suspension order shall be in effect, (1) the respondent, his agents, his successors, or assigns, shall not transfer, in any manner, any (cocoa beans, cocoa products, or novelty items); (2) the respondent, his agents, his successors, or assigns, shall not, for the purpose of resale, accept transfers of, or in any manner, directly or indirectly, receive (cocoa beans, cocoa products, or novelty items); (3) no person shall transfer any (cocoa beans, cocoa products, or novelty items) to the agents, the successors, or the assigns of the respondent.

(b) Any terms used in this suspension order that are defined in (Food Distribution Order 25) shall have the meaning therein given them.

(c) This suspension order shall become effective (12:01 a. m., WT, . . . . ., 1943), and, unless sooner terminated, shall expire (12:01 a. m., WT, . . . . ., 1943).

(Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong., and Pub. Law 507, 77th Cong., E. O. 9280, 7 F. R. 10179)

Issued this . . . . . day of . . . . . 1943.

.....,

*Secretary of Agriculture.*



## APPENDIX K

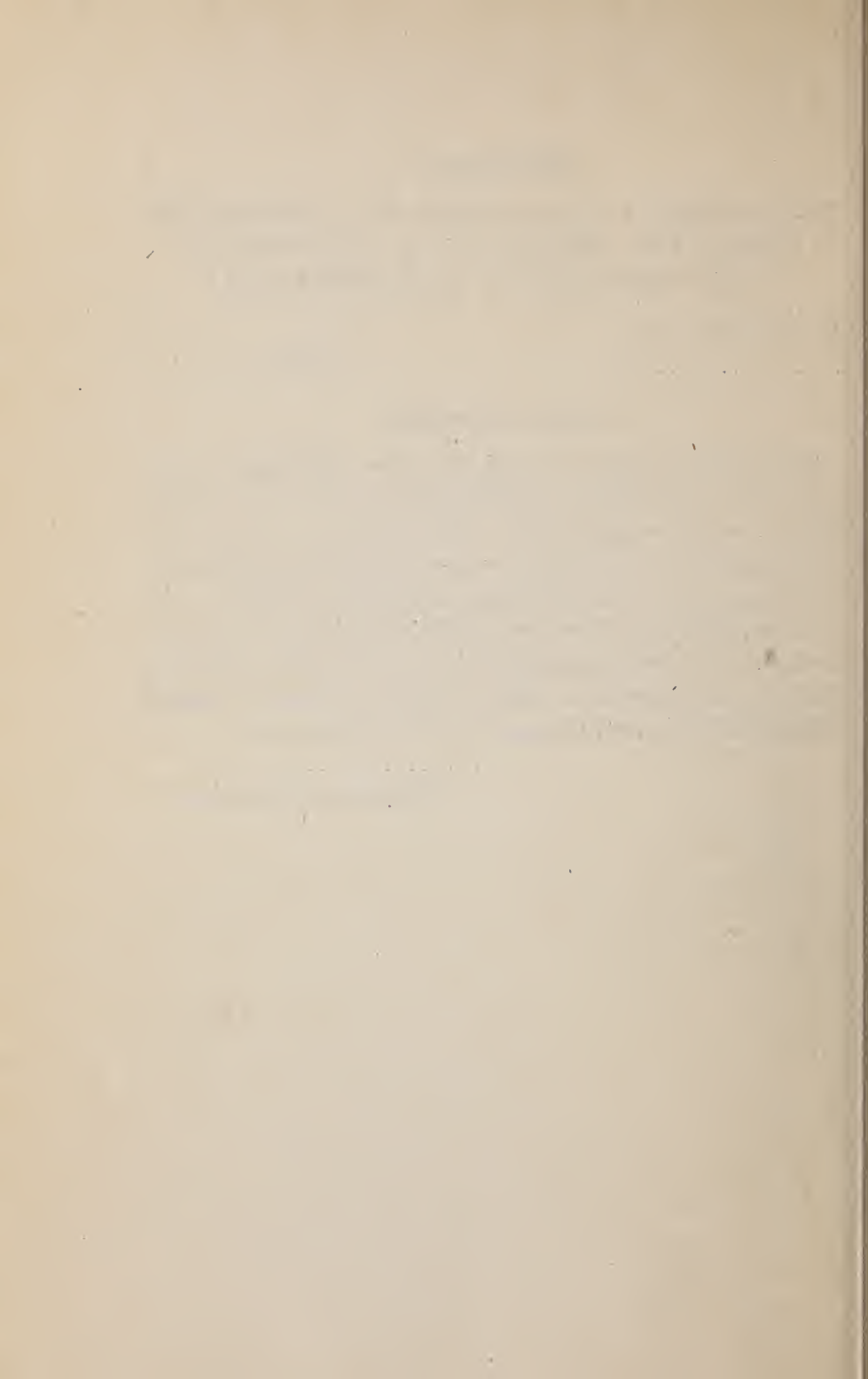
### UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE FOOD DISTRIBUTION ADMINISTRATION

*In the Matter of—* } Docket.....  
..... }

#### Order of Dismissal

This matter having come before the undersigned upon (place here the matters considered by the Regional Administrator, or other appropriate official, such as statement of charges, answer of respondent, evidence submitted at the hearing, if any), and the undersigned, being fully advised in the premises, finds that there is not sufficient evidence to support the statement of charges made against the respondent (Richard Roe), and it is, therefore, ordered that the proceeding against (Richard Roe) be and the same hereby is dismissed.

.....,  
*Regional Administrator.*





APPENDIX L

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE  
FOOD DISTRIBUTION ADMINISTRATION

*In the Matter of—* }

Docket.....

Notice of Hearing

*To:*

.....  
.....  
.....

You are hereby notified that the hearing which you requested on the Statement of Charges served upon you on the..... day of....., 1943, will be heard before an authorized representative of the Department of Agriculture in the (place here the address at which the hearing will be held) ....., on the ..... day of ....., at ..... m., WT.

You are further notified that failure by you to appear at the time and place designated above shall constitute a waiver of any objection to the taking of such action against you as may be appropriate.

.....,

*Presiding Officer.*



